



# California Regulatory Notice Register

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JULY 28, 2006

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3433, subsection (b) of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on June 12, 2006. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than October 10, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the actions proposed to the agency officer named below on or before September 11, 2006.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

**INFORMATIVE DIGEST//POLICY STATEMENT  
OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread

of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3433 established an area of approximately two square miles surrounding an area in the Encinitas area of San Diego County as an additional area under quarantine against the pest *Diaprepes abbreviatus*, Diaprepes root weevil. The effect of the amendment is to provide authority for the State to regulate movement of the articles and commodities covered that may move life stages of the Diaprepes root weevil from, into, and within that area under quarantine to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND  
SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3433 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3433. No reimbursement is required for Section 3433 under Section 17561 of the Government Code because the Agricultural Commissioner of San Diego County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will not affect housing costs.

**EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS**

The cost impact of the amended regulation on a representative private person or business is not expected to

be significantly adverse. The agency is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department proposes to amend Section 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding

the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3433, subsection (b) of the regulations in Title 3 of the California Code of Regulations pertaining to Diaprepes Root Weevil Interior Quarantine as an emergency action that was effective on June 28, 2006. The Department proposes to continue the regulation as amended and to complete the adoption process by submission of a Certificate of Compliance no later than October 26, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to

the actions proposed to the agency officer named below on or before September 11, 2006.

Following the public hearing and the written comment period, the Department of Food and Agriculture may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

#### INFORMATIVE DIGEST//POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

The amendment of Section 3433 established an area of approximately three square miles surrounding the Carlsbad area of San Diego County as an additional area under quarantine against the pest *Diaprepes abbreviatus*, Diaprepes root weevil. The effect of the amendment is to provide authority for the State to regulate movement of the articles and commodities covered that may move life stages of the Diaprepes root weevil from, into, and within that area under quarantine to prevent artificial spread of the weevil to noninfested areas to protect California's agricultural industry. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3433 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3433. No reimbursement is required for Section 3433 under Section 17561 of the Government Code because the Agricultural Commissioner of San Diego County requested the change in the regulation.

The Department also has determined that the amended regulation will involve no additional costs or savings to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting some California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impact of the amended regulation on a representative private person or business is not expected to be significantly adverse. The Department does not know of additional costs a representative person or business would incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment to the regulation would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department proposes to amend Section 3433 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.



**EFFECT ON SMALL BUSINESS**

The amendment of this regulation may affect small businesses.

**CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

**INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet web-site ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulation in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulation amended by the Department differs from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3591.6, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Gypsy Moth Eradi-

cation Area as an emergency action that was effective on July 5, 2006. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 2, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 11, 2006.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3591.6, subsection (a), was amended and established Riverside County as an eradication area for Gypsy Moth, *Lymantria dispar*. The effect of this action was to establish authority for the State to conduct eradication activities in Riverside County against this pest. There is no existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3591.12 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3589 under Section 17561

of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### **EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **ASSESSMENT**

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### **ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### **AUTHORITY**

The Department proposes to amend Section 3591.6, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

#### **REFERENCE**

The Department proposes to amend Section 3591.6, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

#### **EFFECT ON SMALL BUSINESS**

The proposed amendment of this regulation may affect small businesses.

#### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3589, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Japanese Beetle Eradication Area as an emergency action that was effective on July 3, 2006. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than October 31, 2006.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before September 18, 2006.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be

used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3589, subsection (a), was amended and established San Diego County as an eradication area for Japanese beetle, *Popillia japonica*. The effect of this action was to establish authority for the State to conduct eradication activities in San Diego County. There is no existing, comparable federal regulation or statute.

#### **COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3589 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3589 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### **EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **ASSESSMENT**

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.



## ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

## AUTHORITY

The Department proposes to amend Section 3589, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

## REFERENCE

The Department proposes to amend Section 3589, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

## EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

## CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

## INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its

proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 10. DEPARTMENT OF INSURANCE

**RH05050092**

**July 28, 2006**

## NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING LOW COST AUTOMOBILE INSURANCE RATES

## SUBJECT OF HEARING

California Insurance Commissioner John Garamendi will hold a public hearing to consider rates for the California Low Cost Automobile Insurance program.

Insurance Code Section 11629.72(c) provides that, annually, the California Automobile Assigned Risk Plan ("CAARP") shall submit to the Commissioner a proposed rate and surcharge for approval. Accordingly, CAARP submitted its 2006 rate recommendation on February 8, 2006 for an overall increase of 7 percent. Subsequently, CAARP submitted a supplemental proposal on June 22, 2006, applying the overall 7 percent increase to additional expansion counties.

Legislation involving the California Low Cost Automobile Insurance program, Stats. 2005, chapter 435 (SB 20, Escutia), was approved by the Governor on September 30, 2005. The legislation extended the program to Alameda, Fresno, Orange, Riverside, San Bernardino and San Diego counties, commencing on April 1, 2006. The bill further authorized expansion of the program to all counties in California at the discretion of the Commissioner, subject to specified procedures. The legislation does not specify a rate, but authorizes the Commissioner to adopt regulations establishing a rate, in consultation with CAARP, in order to implement the expansion of the program to these counties, as emergency regulations. Previous legislation mandated the avail-

ability of optional uninsured motorists bodily injury and medical payments coverages to policyholders at additional premium.

To expedite implementation of the expansion through emergency regulations, CAARP's Advisory Committee proposed to the Commissioner rates for the liability policy and optional coverages for Alameda, Fresno, Orange, Riverside, San Bernardino, and San Diego counties on February 3, 2006. Upon review by the Department's technical staff, the Commissioner determined that the rates proposed by CAARP were adequate and consistent with statutory rate-setting standards and proposed those rates for adoption on an emergency basis, which were approved on March 24, 2006, effective April 1, 2006.

In accordance with statutory procedures, the Commissioner determined that need exists for the program in eight additional counties of Contra Costa, Imperial, Kern, Sacramento, San Joaquin, San Mateo, Santa Clara, and Stanislaus. The decision was based on a consideration of the number or percentage of uninsured motorists within each county, the number or percentage of low income population in each county, the availability of affordable insurance options in the voluntary market, and affirmation of the need and desirability of the program expressed by consumers at public meetings in each county.

To expedite the program's expansion to these eight counties, on March 11, 2006, CAARP's Advisory Committee proposed to the Commissioner rates for the liability policy and optional coverages. Upon review, the Commissioner determined that the rates proposed by CAARP were adequate and consistent with statutory rate-setting standards and proposed those rates for adoption on an emergency basis, which were approved on May 18, 2006, effective June 1, 2006.

Currently, the annual premiums for the liability policy are \$355 per vehicle for Los Angeles County and \$322 for the City and County of San Francisco. As approved by emergency regulations, effective April 1, 2006, the annual premiums, by county, are \$322 for Alameda; \$299 for Fresno; \$312 for Orange; \$246 for Riverside; \$283 for San Bernardino; and \$268 for San Diego. As approved by emergency regulations, effective June 1, 2006, the annual premiums, by county, are \$317 for Contra Costa; \$210 for Imperial; \$239 for Kern; \$383 for Sacramento; \$295 for San Joaquin; \$307 for San Mateo; \$290 for Santa Clara; and \$359 for Stanislaus. A 25 percent surcharge is added to the base rate for unmarried male drivers ages 19 through 24 years of age.

Annual premiums for optional uninsured motorists coverage are currently \$65 for Los Angeles and \$39 for the city and county of San Francisco. As approved by emergency regulations, effective April 1, 2006, the

annual premiums, by county, are \$32 for Alameda; \$51 for Fresno; \$37 for Orange; \$32 for Riverside; \$40 for San Bernardino; and \$26 for San Diego. As approved by emergency regulations, effective June 1, 2006, annual premiums for uninsured motorists are \$28 for Contra Costa; \$32 for Imperial; \$30 for Kern; \$49 for Sacramento; \$35 for San Joaquin; \$25 for San Mateo; \$24 for Santa Clara; and \$44 for Stanislaus.

For optional medical payments coverage, premiums are currently \$29 for Los Angeles and \$26 for the city and county of San Francisco. As approved by emergency regulations, effective April 1, 2006, the annual premiums, by county, are \$18 for Alameda; \$34 for Fresno; \$24 for Orange; \$14 for Riverside; \$18 for San Bernardino; and \$15 for San Diego. As approved by emergency regulations, effective June 1, 2006, annual premiums for medical payments coverage are \$17 for Contra Costa; \$18 for Imperial; \$19 for Kern; \$23 for Sacramento; \$23 for San Joaquin; \$17 for San Mateo; \$14 for Santa Clara; and \$35 for Stanislaus.

CAARP has filed a rate application for an overall rate increase of 7 percent, as follows: An increase in rates to \$375 for Los Angeles; \$385 for the city and county of San Francisco; \$341 for Alameda; \$315 for Fresno; \$330 for Orange; \$260 for Riverside; \$299 for San Bernardino; \$283 for San Diego; \$335 for Contra Costa; \$222 for Imperial; \$252 for Kern; \$404 for Sacramento; \$312 for San Joaquin; \$324 for San Mateo; \$306 for Santa Clara; and \$379 for Stanislaus counties. CAARP also proposes to maintain the current 25 percent surcharge for certain drivers.

In addition, CAARP has proposed to increase rates for uninsured motorists coverage to \$72 in Los Angeles; \$36 for Alameda; \$57 for Fresno; \$41 for Orange; \$36 for Riverside; \$44 for San Bernardino; \$29 for San Diego; \$31 for Contra Costa; \$35 for Imperial; \$33 for Kern; \$54 for Sacramento; \$38 for San Joaquin; \$28 for San Mateo; \$27 for Santa Clara; \$49 for Stanislaus counties; and to decrease rates to \$27 for San Francisco.

Further, CAARP has proposed to increase rates for medical payments coverage to \$45 for Los Angeles; \$36 for San Francisco; \$28 for Alameda; \$53 for Fresno; \$38 for Orange; \$22 for Riverside; \$28 for San Bernardino; \$23 for San Diego; \$27 for Contra Costa; \$28 for Imperial; \$29 for Kern; \$36 for Sacramento; \$36 for San Joaquin; \$26 for San Mateo; \$22 for Santa Clara; and \$54 for Stanislaus counties.

The Commissioner will consider the current rates and CAARP's rate proposal and invites other comments from the public. Premium rates are specified in the program's Plan of Operations, approved by the Commissioner. California Code of Regulations, Title 10, Chapter 5, Section 2498.6 references this plan.

AUTHORITY TO ADOPT  
RATES AND REFERENCE

The Insurance Commissioner will consider the proposed rates pursuant to the authority vested in him by California Insurance Code Sections 11620, 11624, 11629.7, 11629.72, and 11629.79. Premium rates, referenced in Section 27 of the Program's Plan of Operation, are set forth in Insurance Code section 11629.72, and amended by 2002 Stats., chapter 742, 2005 Stats., chapter 435, and subsequent decisions of the Commissioner. Government Code Section 11343(a) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed rates at the following date, time, and place:

**Date and Time:** September 12, 2006  
10:00 a.m.

**Location:** 45 Fremont Street  
22<sup>nd</sup> Floor Hearing Room  
San Francisco, California 94105

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the proposed rates prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Mary Ann Shulman, Senior Staff Counsel  
California Department of Insurance  
Legal Division  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[Shulmanm@insurance.ca.gov](mailto:Shulmanm@insurance.ca.gov)  
Telephone: (415) 538-4133  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Elizabeth Mohr, Assistant Chief Counsel  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[MohrE@insurance.ca.gov](mailto:MohrE@insurance.ca.gov)  
Telephone: (415) 538-4112  
Facsimile: (415) 904-5490

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on September 12, 2006**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail and facsimile transmission. Written comments shall be submitted by one method only.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Telephone: (916) 492-3500

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

California Insurance Code Sections 11629.7 through 11629.85 establish, within the California Automobile Assigned Risk Plan, established under Section 11620 of



the Insurance Code, a statewide low-cost automobile insurance program.

Recent legislation, Stats. 2005, chapter 435 (SB 20, Escutia), authorized expansion of the program from the initial counties of Los Angeles and the city and county of San Francisco to all counties in California, subject to specified procedures, mandating commencement of operations in Alameda, Fresno, Orange, Riverside, San Bernardino and San Diego counties, effective April 1, 2006. Previous legislation mandated the availability of optional coverages of uninsured motorists and medical payments to policyholders at additional premium. Statutes 2005, chapter 435 did not specify a rate, but authorized the Commissioner to adopt regulations establishing rates to implement expansion of the program to these counties, in consultation with CAARP, as emergency regulations.

Accordingly, CAARP proposed rates for the six expansion counties. The Commissioner adopted CAARP's proposed rates for the liability policy and additional coverages for these counties in emergency regulations, as authorized by Insurance Code Section 11629.79, which were approved, effective April 1, 2006. (DOI File No. ER06050509)

Following specified statutory procedures, on January 23, 2006, the Commissioner made an initial determination of need for the program in eight additional counties: Contra Costa, Imperial, Kern, Sacramento, San Joaquin, San Mateo, Santa Clara, and Stanislaus. Subsequently, the Commissioner held public forums in each of these counties to discuss the need and desirability for such a program. Based on a consideration of specified factors, the Commissioner made a final determination of need for the program in each of the eight counties, as required by statute. To expedite the program's operation in these additional counties, the Commissioner sought and received the advice of CAARP. On March 11, 2006, CAARP's Advisory Committee proposed to the Commissioner rates for the liability policy and additional coverages. After review, the Commissioner adopted CAARP's proposed rates in emergency regulations, as authorized by Insurance Code Section 11629.79, which were approved, effective June 1, 2006. (DOI File No. ER06091810)

Because the program is established and administered through CAARP, CAARP procedures are applied where appropriate and not inconsistent with the low cost automobile insurance statutes. Insurance Code Sections 11620 and 11624 require the Commissioner to hold a public hearing before amending assigned risk plan rates.

Section 11629.7 of the Insurance Code requires that, after a public hearing, the Commissioner shall approve or issue a reasonable plan for the equitable apportion-

ment, among insurers, of eligible consumers. The plan also contains rules and rates. This plan, approved by the Commissioner, is referenced in Title 10, Section 2498.6 of the California Code of Regulations.

Under the program, the low-cost auto policy satisfies financial responsibility laws and provides coverage of \$10,000 for liability for bodily injury or death to one person, subject to a cumulative limit of \$20,000 for all persons in one accident, and \$3,000 for liability for damage to property. In addition to eligibility and other requirements, the statute sets forth the annual premium rates. In certain cases, surcharges are added to the base rate. The statute also provides procedures for adjusting the rates.

Insurance Code Section 11629.72(c) provides that, annually, CAARP shall submit to the Commissioner a proposed rate and surcharge for approval. Accordingly, CAARP has submitted a proposal for the liability policy and additional coverages for the counties of Los Angeles, city and county of San Francisco, Alameda, Fresno, Orange, Riverside, San Bernardino, and San Diego counties and a supplemental proposal for the counties of Contra Costa, Imperial, Kern, Sacramento, San Joaquin, San Mateo, Santa Clara, and Stanislaus counties. CAARP proposes to increase the rates by an overall 7 percent and further proposes to maintain the 25 percent surcharge rate. Further details appear in the application on file with the Commissioner, which is available for review as set forth below.

#### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

#### COST OR SAVINGS TO STATE OR LOCAL AGENCIES / SCHOOL DISTRICTS / FEDERAL FUNDING

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any state agency or to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other non-discretionary costs or savings to local agencies. Nor will the proposal affect federal funding to the state.



SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES  
AND THE ABILITY OF CALIFORNIA  
BUSINESSES TO COMPETE

Because the proposal involves rates for private passenger automobiles, the Insurance Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE  
PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not impact businesses, but will have a potential cost impact on private persons directly affected.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

EFFECT ON SMALL BUSINESSES

The Insurance Commissioner has initially determined that the proposal will not impact small businesses because insurance producers directly affected are not defined as small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The proposal would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The agency invites interested persons to present statements or arguments with respect to the proposed

rate, or other alternatives, at the scheduled hearing or during the written comment period.

PLAIN ENGLISH

The rate application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the rate proposal, in addition to the Informative Digest included in this notice. The Initial Statement of Reasons and this Notice of Proposed Action are available for inspection or copying, and will be provided at no charge upon request to a contact person listed above. Further details of CAARP's rate application are on file with the Commissioner and available for review as set forth below.

QUESTIONS REGARDING REGULATIONS /  
ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of the proposed rate application. **By prior appointment**, CAARP's rate application is available for inspection at the public viewing rooms at 45 Fremont Street, 22nd Floor, San Francisco, California 94105 by calling 415/538-4300, and at the Ronald Reagan State Building, 300 South Spring Street, Los Angeles, CA 90013 by calling 213/346-6707 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday. Interested persons may direct questions about the proposed rate application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont, 21<sup>st</sup> Floor, San Francisco, California 94105 between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AVAILABILITY OF MODIFIED  
TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereaf-

ter, the Commissioner will accept written comments, arguments, evidence and testimony, concerning the changes only, for a period of at least 15 days prior to adoption.

#### FINAL STATEMENT OF REASONS

Once prepared, the Final Statement of Reasons will be made available through the contact persons listed above.

#### AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, is being sent to all persons on the Insurance Commissioner's mailing list.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

### **TITLE 10. DEPARTMENT OF INSURANCE**

**File No. RH05042749**

**Date: July 18, 2006**

#### NOTICE OF PROPOSED RULEMAKING

#### **Rate Approval Regulations**

#### SUBJECT OF HEARING

Notice is hereby given that Insurance Commissioner John Garamendi ("Commissioner") proposes to amend or adopt California Code of Regulations, Title 10, Sections 2642.4, 2642.5, 2642.6, 2642.7, 2643.2, 2643.6, 2643.8, 2644.2, 2644.3, 2644.4, 2644.5, 2644.6, 2644.7, 2644.8, 2644.9, 2644.10, 2644.11, 2644.12, 2644.15, 2644.16, 2644.17, 2644.18, 2644.19, 2644.20, 2644.21, 2644.23, 2644.24, 2644.25, 2644.26, 2644.27, 2644.50, 2646.3, and 2646.4, to implement the rate approval provisions of Proposition 103 and California Insurance Code Section 1861.05.

#### PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing,

with respect to the proposed action at the following date, time, and location:

**Wednesday, September 13, 2006 — 10:00 a.m.**  
**California Department of Insurance**  
**Hearing Room**  
**45 Fremont Street, 22<sup>nd</sup> Floor,**  
**San Francisco, CA 94105**

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

#### CONTACT PERSONS

Any questions regarding this notice should be directed to:

Bruce V. Patton, Senior Staff Counsel  
California Department of Insurance  
Rate Enforcement Bureau  
300 Capitol Mall, Suite 1700  
Sacramento, CA 95814  
Telephone: (916) 492-3560  
Facsimile: (916) 324-1883  
[Pattonb@insurance.ca.gov](mailto:Pattonb@insurance.ca.gov)

The backup contact person for these inquiries is Cathleen Chapman (contact information below).

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commissioner via electronic or U.S. mail, personal delivery or facsimile. Comments shall be transmitted by one method only.

The written comment period closes at **5:00 p.m. on September 13, 2006**. Any materials *received* after that time will not be considered. Submit comments to:

Cathleen S. Chapman  
Staff Counsel  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4458  
Facsimile: (415) 904-5490  
[chapmanc@insurance.ca.gov](mailto:chapmanc@insurance.ca.gov)

#### ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accor-

dance with the provisions of California Code of Regulations, Title 10, Subchapter 4.9 in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking shall also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

#### AUTHORITY AND REFERENCE

California Insurance Code Section 1861.05, *Calfarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989) and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994) authorize the Commissioner to regulate in an orderly manner the insurance market in California, to determine that rates that are neither excessive nor inadequate, and to protect the public while implementing Proposition 103. The proposed regulations would implement, interpret or make specific Insurance Code sections 1861.05, and 1861.13.

Because this proposed rulemaking action concerns ratemaking, California Government Code § 11340.9(g) applies.

#### INFORMATIVE DIGEST

##### **Summary of Existing Law**

California Insurance Code Section 1861.05, added by Proposition 103 in 1988, requires the Commissioner's approval of most property and casualty insurance rates. Minimal hearing requirements are specified in California Insurance Code Section 1861.08. Consumer participation is authorized by California Insurance Code Section 1861.10.

California Code of Regulations, Title 10, Sections 2641.1 through 2646.5 set forth the processes and policies by which the Commissioner shall review rates. However, given the passage of time, those regulations require revisions. This rulemaking proceeding proposes those revisions.

##### **Policy Statement Overview and Effect of Proposed Action**

The Commissioner proposes to make changes to the following sections of Title 10 of the California Code of Regulations. These sections concern the approval of insurance rates.

##### **Section 2642.4 Pure Premium**

Existing section 2642.4 defines pure premium. The changes proposed to this section update changed terminology.

##### **2642.5 Rating Period**

Existing section 2642.5 defines rating period. The changes proposed to this section recognize that a generic determination for rating period is no longer contemplated.

##### **2642.6 Recorded Period**

Existing section 2642.6 defines recorded period. The changes proposed to this section recognize that a generic determination for recorded period is no longer contemplated.

##### **2642.7 Lines of Insurance**

Existing section 2642.7 sets forth the lines of insurance. The changes proposed to this section recognize that some lines of insurance have been reclassified by the National Association of Insurance Commissioners ("NAIC") since original adoption of these regulations. Because the lines of insurance are based on the NAIC Annual Statement classifications, the changes are proposed for consistency purposes. Mechanical breakdown and similar coverage is classified as other liability occurrence for purposes of these regulations. Mechanical breakdown is not currently specified, and therefore it arguably could be included in more than one line. Classifying it ensures consistent treatment. The existing regulation allows an insurer to disaggregate certain lines into commodity and specialty. A proposed change also allows the Commissioner to do so. Medical malpractice is deleted as a specialty line because unique issues related to medical malpractice coverage are separately addressed.

##### **Section 2643.2 Rating Basis**

Existing section 2643.2 defines rating basis. The changes proposed to this section recognize that a generic determination for rating basis is no longer contemplated.

##### **Section 2643.6 Interjurisdictional Allocations**

Existing section 2643.6 addresses interjurisdictional allocations. The changes proposed to this section recognize changed terminology and allow the Commissioner to disaggregate commodity and specialty lines.

##### **Section 2643.8 Factors Calculated by the Commissioner**

New section 2643.8 establishes the factors which shall be used for review of rate applications, when these regulations require the periodic updating of specified factors.

### **Section 2644.2 Maximum Permitted Earned Premium**

Section 2644.2 currently defines the maximum permitted earned premium. Changes proposed to this section recognize both fixed and variable investment income, and allow use of the efficiency standard for companies with expenses below the efficiency standard, thus rewarding more efficient companies. Fixed expenses in the numerator and variable expenses in the denominator are replaced with the efficiency standard in the denominator.

### **Section 2644.3 Minimum Permitted Earned Premium**

Section 2644.3 currently defines the minimum permitted earned premium. Changes proposed to this section correspond to the changes to the maximum permitted earned premium described immediately above.

### **Section 2644.4 Projected Losses**

Several changes are proposed to existing section 2644.4.

Current section 2644.4(b) provides that for medical malpractice insurance, where the use of claims-made policies predominates, projected losses are calculated on a report-year basis, except where occurrence policies predominate. Because calculating projected losses on a report-year basis is appropriate for all claims-made policies, the regulation has been amended to provide that projected losses shall be calculated on a report-year basis for all claims-made policies.

Although subject to the provisions of Proposition 103 and these regulations, treatment of mechanical breakdown and other policies providing coverage on a multi-year basis is not specifically addressed in the current regulations. Proposed new subsection (c) provides that for policies providing multi-year coverage, such as mechanical breakdown, projected losses shall be calculated using a sound actuarial method.

New subsection (d) provides that for policies providing death, disability and retirement coverage (such as medical malpractice), projected losses shall be calculated using a sound actuarial method.

Similar to changes to other provisions of these regulations, language is proposed to be added to section 2644.4(e) allowing the Commissioner, in addition to an insurer, to disaggregate a line of insurance into commodity and specialty categories.

New subsection (f) provides that for earthquake coverage and for the fire following earthquake exposure, projected losses and defense and cost containment expenses may, if certain conditions are met, be based on complex catastrophe models. This recognizes standard actuarial practice in these unique lines.

### **Section 2644.5 Catastrophe Adjustment**

The existing regulation provides that the Commissioner shall prescribe a catastrophe adjustment in a generic determination. Because the generic determination process is generally proposed for deletion, proposed amendments to this section establish how catastrophe losses shall be averaged, and specifies that there shall be no catastrophe adjustment for private passenger automobile liability coverage.

### **Section 2644.6 Loss Development**

Amendments proposed to this section specify that loss development is based on the dollar-weighted average (rather than the average) of the ratios of losses for the three most recent policy-years or report-years, in addition to the existing reference to accident years. Existing section 2644.4 requires the Commissioner to promulgate reporting intervals for loss development in a generic determination. Because the generic determination process is generally proposed for deletion, the reference to the generic determinations is deleted from this section. Additionally, this section provides that loss development data excludes catastrophes, since including it would distort the results.

### **Section 2644.7 Loss and Premium Trend**

Existing section 2644.7 defines loss trend. The suggested amendment adds a similar definition for premium trend and sets forth the manner in which premium trend factors are developed.

The existing regulation provides that loss trend factors are adopted through the generic determination process. That language is proposed for deletion, since the generic determination process is generally proposed for deletion. Instead, this section now would provide that loss trend factors are developed using company-specific (rather than the current industry-wide) paid loss, closed claim count, and earned exposure data. Where the trend factor within a given line varies significantly, separate trend factors shall be calculated in accordance with that evidence.

Subsection (c) sets forth the credibility standard for various coverages in accordance with standard actuarial practices.

Finally, the section notes that the Commissioner may modify the result of the calculation to reflect factors not reflected in the historical data.

### **Section 2644.8 Projected Defense and Cost Containment Expenses**

Changes proposed to section 2644.8 recognize the change in terminology from allocated loss adjustment to defense and cost containment.

Proposed new subsection (b) allows defense and cost containment expenses to be added to losses for loss development and trend, or they may be developed using



ratios of defense and cost containment expenses to losses.

Changes proposed to subsection (c) recognize that it is proposed that the Commissioner, in addition to an insurer, may disaggregate a line of insurance into commodity and specialty.

#### **Section 2644.9 Projected Fixed Expenses**

This section is proposed for deletion in keeping with the changes proposed to the efficiency standard.

#### **Section 2644.10 Excluded Expenses**

Changes proposed to section 2644.10 set forth the excessive executive compensation amounts in accordance with the amounts established for purposes of insurers' rollback obligations. Because this is no longer determined through the generic determination process, that reference is also deleted.

To recognize the change in NAIC terminology, "allocated loss adjustment" is changed to "defense and cost containment."

Proposed new language specifies how any disallowance shall be effected.

#### **Section 2644.11 Expense Trend**

This section is proposed for deletion as a result of changes proposed to the efficiency standard.

#### **Section 2644.12 Efficiency Standard**

Changes proposed to this section clarify that the efficiency standard should be used rather than actual expenses, which rewards more efficient companies.

The efficiency standard is, for the most part, no longer a generic determination under the proposed regulations. As proposed, the Commissioner shall calculate the efficiency standard within 45 days of publication of the necessary source data. The proposed regulation establishes how the efficiency standard is calculated.

Current regulation language sets a separate efficiency standard for insurers selling through employees of the insurer not functioning as agents. Proposed new language changes this terminology to insurers selling insurance on a direct basis.

Language proposed for subsection (c) would allow the Commissioner to establish separate efficiency standards in certain circumstances.

#### **Section 2644.15 Profit Factors**

The change proposed to this section recognizes that the applicable federal income tax factor is the underwriting federal income tax factor.

#### **Section 2644.16 Rate of Return**

The current regulation provides that the Commissioner shall determine the maximum and minimum permitted after-tax rate of return through the generic determination process. These proposed regulations generally eliminate that process. Therefore, the changes proposed to this section establish the maximum permitted

after-tax rate of return at 11%. The minimum after-tax rate of return which an insurer may select is -7%, a number the Commissioner finds is high enough to prevent undue risk of insolvency and to prevent injury to competition through predatory pricing.

#### **Section 2644.17 Leverage Factor and Surplus**

The current regulation provides that the leverage factor is the ratio of net written premiums to surplus. Under the proposed regulation, leverage factor is the ratio of earned premiums to the average of year-beginning and year-end surplus. This change was made in response to workshop comments indicating that because the leverage factor as it operates in the permitted earned premium formulas is a gross leverage factor, references to net are potentially confusing. The regulation language is proposed for amendment in response to this comment.

The current regulations provide that the Commissioner will establish leverage factors through the generic determination process. Since the generic determination process is, for the most part, being eliminated, this section provides that total national industry surplus is allocated to lines of business in proportion to the national industry-wide unearned premium, loss, and loss adjustment expense reserves. The calculation shall be made within 45 days of publication of the necessary source data.

#### **Section 2644.18 Federal Income Tax Factors**

Existing section 2644.18 establishes a federal income tax factor in connection with review of rate applications. Proposed section 2644.18 recognizes an underwriting federal income tax factor, currently 35%. It also recognizes an investment federal income tax factor, which is calculated as described in the proposed regulations and takes into account different categories of investments.

#### **Section 2644.19 Investment Income Factors**

Existing section 2644.19 defines investment income factor as the projected yield multiplied by the sum of the reserves ratio plus the surplus ratio. Proposed section 2644.19 recognizes a fixed investment income factor and a variable investment income factor, as defined in the proposed regulation.

#### **Section 2644.20 Projected Yield**

Existing section 2644.20 describes projected yield. The proposed section provides a much more detailed measure of projected yield and uses the insurer's actual portfolio and yields currently available on securities in the United States capital markets.

#### **Section 2644.21 Reserves Ratio**

Existing section 2644.21 defines reserves ratio as the average of the last two years loss reserves plus loss adjustment expense reserves plus unearned premium reserves divided by the earned premium for the most re-

cent year for which data are available. Proposed section 2644.21 recognizes both an unearned premium reserves ratio and a loss reserves ratio. One industry-wide unearned premium reserves ratio and one loss reserves ratio for each line is recognized. The source data for these numbers is set forth, as is the time period for performing the calculations. Earthquake, other lines of business subject to catastrophes, mass torts, and other unusual events are treated separately.

#### **Section 2644.23 Credibility Adjustment**

Section 2644.23 provides that to the extent data lack credibility, a credibility adjustment shall be made. The existing section provides that the adjustment shall be made to projected losses, projected allocated loss adjustment expenses, projected loss development, and projected allocated loss adjustment expenses development. That language is proposed for deletion. Also proposed for deletion is language providing that the credibility adjustment shall consist of adding to the insurer's data sufficient additional data to provide a total sample size sufficient to meet the applicable credibility criterion established by the Commissioner.

The existing regulation provides that the Commissioner shall specify credibility criteria and appropriate sources of substitute data through the generic determination process. The proposed regulation, in accordance with standard actuarial practice, actually sets forth the standard for full and partial credibility.

The proposed regulation establishes substitute data when the loss and defense and cost containment expense data are less than fully credible. The complementary loss and defense and cost containment expense is defined in proposed new language.

The formula is adjusted in accordance with changes proposed to the efficiency standard.

Proposed new language defines the complement trend and the annual net trend.

As proposed, if the credibility weight is less than 25%, the applicant or Commissioner may use an alternative complementary loss and defense and cost containment expense if it is actuarially sound and reasonable in the circumstances.

#### **Section 2644.24 Trended Current Rate Level Earned Premium**

The proposed new section defines trended current rate level earned premium.

#### **Section 2644.25 Reinsurance**

This is a proposed new section. It recognizes that, except for earthquake and medical malpractice facultative reinsurance with attachment points above \$1 million, ratemaking is reviewed on a direct basis without consideration of reinsurance costs. When reinsurance is considered, the manner in which those costs are reflected in the ratemaking formula is set forth. Reinsur-

ance costs are only allowed if the reinsurance agreement was entered into in good faith in an arms-length transaction not between affiliates and at fair market value. There must be an acceptable transfer of risk, the reinsurer must be an authorized reinsurer, the reinsurance must comply with all applicable statutory accounting principles, and a copy of the reinsurance agreements must be submitted with the rate application. In response to workshop comments, the regulation provides that other risk financing mechanisms are considered in the same manner as reinsurance.

In specified circumstances, a petition for hearing regarding reinsurance costs will be granted.

Changes to the efficiency standard are reflected in the proposed regulation.

#### **Section 2644.26 Reinsurance Recoverables**

Proposed new section 2644.26 defines reinsurance recoverables.

#### **Section 2644.27 Variance Request**

Variances are currently described in section 2646.4(c). In the proposed regulations, the variance provisions are found in section 2644.27.

Section 2644.27(a) is currently found at section 2646.4(b)(2).

Section 2644.27(b) is a new provision specifying the form which an insurer shall use to request a variance (Form CA-RA9). A copy of the proposed form is attached to the regulation text for comment. The form requesting a variance shall identify the variance requested, identify the extent of the variance and the rate component affected, quantify the rate impact, and set forth the justification for the variance. This information is necessary to allow the Commissioner to evaluate the variance request.

Section 2644.27(c) is also a new provision, requiring that variance requests be filed either with the rate application or after the rate application is filed but before a final determination is made on the rate application. Specific public notice of a requested variance is required so that interested members of the public are alerted to the variance request and provided with sufficient opportunity to request a hearing in connection with the rate application if they desire to do so.

Section 2644.27(d) provides that a variance request shall be deemed approved 60 days after public notice unless a hearing is requested or set. This language tracks the language of California Insurance Code Section 1861.05(c).

Section 2644.27(e) makes explicit the fact that the variance request is determined in conjunction with the related rate application.

Section 2644.27(f) sets forth the valid bases for requesting a variance.

The first variance tracks the variance currently found in section 2646.4(c)(1).

The second variance tracks that currently found in section 2646.4(c)(2).

The third variance is similar to the variance currently found in section 2646.4(c)(3). However, as proposed, the variance affects the efficiency standard, not the rate of return.

The fourth variance is similar to the variance currently provided in section 2646.4(c)(3)(B) in that it affects return on equity. However, the proposed variance allows a higher or lower return on equity due to higher or lower financial investment in underserved communities. The existing regulation recognizes service to underserved markets (rather than financial investment in those markets).

The fifth variance is similar to the variance currently provided in section 2646.4(c)(4). However, under the proposed variance, an insurer need only write 90% of its business in one line. Additionally, the proposal recognizes a variance for an insurer writing 90% of its business in California.

The variance set forth in proposed section 2644.27(f)(6) is currently found in section 2646.4(c)(5).

The variance set forth in proposed section 2644.27(f)(7) is currently found in section 2646.4(c)(7).

The variance set forth in proposed section 2644.27(f)(8) is currently found in section 2646.4(c)(8).

The variance proposed in section 2644.27(f)(9) recognizes situations where the loss development formula may not produce an actuarially sound result.

The variance proposed in section 2644.27(f)(10) recognizes situations where the trend formula may not produce an actuarially sound result. Existing section 2646.4(c)(6) recognizes situations where the insurer should be permitted to employ a different loss trend.

Section 2644.27(f)(11) recognizes a variance where the maximum permitted earned premium would be confiscatory as applied. Because of the nature of this variance, a public hearing is required.

Existing section 2646.4(d) is proposed for deletion, since it affects insurers' rollback obligations.

### **Section 2644.50 Ruling of Approved Rates**

California Insurance Code Section 1861.05(a) provides that a rate may not remain in effect if it no longer complies with the applicable statutory standards. Under proposed new section 2644.50, in certain circumstances, the Commissioner may require an insurer to make a rate filing to ensure that the insurer's rates continue to comply with applicable law. Language proposed in this section also clarifies that nothing in the

section shall be construed to specify how often an insurer may file a rate application.

### **Section 2646.3 Generic Determinations**

Existing section 2646.3 defines generic determination as a finding the Commissioner is required or authorized by these regulations to make, which is intended to apply to the rate applications of several or all insurers. The section also sets forth the procedures applicable to generic determinations. For the most part, the proposed regulations eliminate the need for generic determinations. However, the proposed regulations recognize that generic determinations may be adopted for leverage and reserves ratios, should the Commissioner decide to modify the formula values.

### **Section 2646.4 Hearing on Individual Insurers' Rates**

Existing section 2646.4 sets forth various procedural requirements applicable to a hearing on an individual insurer's rates. Minor technical changes are proposed to existing section 2646.4(b) to conform to other changes proposed in these regulations and discussed elsewhere in this Informative Digest. No changes are proposed to section 2646.4(a).

Existing section 2646.4(c) sets forth the valid bases for requesting a variance. As previously described, the variances are now included in section 2644.27. And as previously described, existing section 2646.4(d) is proposed for deletion since it affects insurers' rollback obligations.

Existing section 2646.4(e) is renumbered as section 2646.4(c).

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

*The Commissioner has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with California Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Commissioner is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.



Adoption of these regulations will not:

- (1) create or eliminate jobs within California
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

#### *Small Business Determination*

The matters proposed herein will affect insurance companies and, therefore, will not affect small business. (California Government Code section 11342.610(b)(2).)

### ALTERNATIVES

In accordance with California Government Code section 113465(a)(13), the Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

The Commissioner invites interested persons to present statements or arguments with respect to alternatives to the proposed action at the scheduled hearing or during the written comment period.

### TEXT OF AMENDMENT AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based as well as the express terms of the proposed action. Upon request, the proposed text and initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed amendment, the statement of reasons, the information upon which the proposed action is based, and any supplemental information contained in the rulemaking file, is available for inspection and copying **by prior appointment** at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Written requests for the rulemaking file or questions regarding this proceeding should be directed to the contact person listed above.

### AVAILABILITY OF MODIFIED TEXT OF AMENDMENT

In response to public comment, the Commissioner may determine that changes to the proposal are appropriate. If those changes are sufficiently related to the original text that the public had adequate notice of the proposal, as amended, copies of the amended text will be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. Thereafter, the Commissioner will accept written comments, arguments, evidence and testimony concerning the changes only, for a period of at least 15 days prior to adoption.

At least 45-days notice will be given if the changes are not sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action.

### FINAL STATEMENT OF REASONS

A final statement of reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to Cathleen S. Chapman (see above contact information), the final statement of reasons will be made available for inspection and copying once it has been prepared. A copy of the final statement of reasons will also be posted on the Department's website.

### AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed action, will be sent automatically to all persons on the Commissioner's mailing list.

### WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website, <http://www.insurance.ca.gov>. As of the date of this Notice, the steps required to access these documents are as follows. In the "Quick Links" section, click on Legal Information, then on Proposed Regulations. When the "Search" screen appears, enter RH05042749 (the Department's regulation file number for this proceeding) in the "Search for" field.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### NOTICE OF PROPOSED REGULATORY ACTION



**Add New Test Administration and Security Requirements for POST Basic Courses and Amend Related Language in Regulations 1005, 1007, 1008, and 1052, and Procedures D-1 and D-10**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code § 13503 — POST powers, and §13506 — POST authority to adopt regulations. This proposal interprets, implements, and makes specific Penal Code § 13503(e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses; Penal Code § 832.3(b) — POST authority to develop a testing program and standardized tests.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The Commission on Peace Officer Standards and Training (POST) proposes to implement a requirement for written policies and procedures regarding test administration and test security, including sanctions for not complying with this regulation.

Currently, POST requires all Basic Course Presenters to enter into a formal test security agreement with POST. This agreement, known as *POST Basic Courses Test Use and Security Agreement*, identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed knowledge, comprehensive, scenario and exercise tests. This agreement, however, does not require presenters to create and maintain local policies or procedures for the safe handling of POST-developed and supplied tests.

In 2003, violations of the *POST Basic Courses Test Use and Security Agreement* forced POST staff to decertify a basic academy presenter. In this case, the act of actually providing students with answers to high-stakes written tests prior to the test administration compromised several test forms.

Following the incident, POST staff conducted an in-depth investigation into the nature and extent of test security problems at the decertified academy. The investigation identified several issues, which POST brought before the Consortium of California Academy Directors. The Consortium reviewed the findings in depth, and appointed an ad hoc committee on test security to study the issues and to draft policy and procedural guidelines, which consortium member academies could implement. The intent of the guidelines was to prevent occurrences like those identified in the follow-up investigation at the decertified academy. In September

2004, the consortium voted to approve the draft guidelines created by the ad hoc committee, and to invite voluntary compliance with the guidelines for 1 year, at which point the consortium would recommend either to make the guidelines mandatory or to keep them as a voluntary procedure.

At their December 2005 meeting and following a 1-year trial period, the Consortium (POST Basic Academy directors and coordinators) voted unanimously to recommend that the *POST Basic Courses Test Administration and Security Guidelines* become a mandatory part of Basic Course certification. The POST Commission subsequently approved this proposal at its April 2006 Commission Meeting. This proposal calls for the regulations and procedure to be in place and implemented by January 1, 2007. This time allows for review and approval by the Office of Administrative Law.

The implementation of these guidelines will greatly reduce the likelihood of compromised or misused testing material by assuring that all presenters have published policies and procedures which are specifically designed to control test use and administration at the local site and will ensure the continued integrity of entry-level law enforcement training.

**PUBLIC COMMENT**

The Commission hereby requests written comments on the proposed actions. POST must receive all written comments no later than 5:00 p.m. on September 11, 2006. Please direct any written comments to Kenneth J. O'Brien, Executive Director, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person or his or her duly authorized representative may request that POST hold a public hearing. The request must be in writing and received by POST no later than 15 days prior to the close of the public comment period.

**ADOPTION OF PROPOSED REGULATIONS**

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, POST will make available the text of any modified language, clearly indicated, at least 15 days before adoption, to all persons whose comments POST received during the public comment period and to all persons who request notification from POST of the availability of such changes.

Please address a request for the modified text addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the Commission makes the revised text available.

#### TEXT OF PROPOSAL, RULEMAKING FILE, AND INTERNET ACCESS

Information regarding the proposed regulatory action appears on the POST website at [www.post.ca.gov/RegulationNotices/RegulationNotices.asp](http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp) as follows:

- POST Bulletin and attached Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2006–10. The rulemaking file contains the above-mentioned documents and all information that is the basis for this proposal. POST will maintain the file for inspection during its normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. To request a copy, contact POST via the above phone number, or write to the address under Contact Persons at the end of this notice. The document will also appear on the POST website at the address cited above.

#### ESTIMATE OF ECONOMIC IMPACT

- Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None
- Non-Discretionary Costs/Savings to Local Agencies: None
- Local Mandate: None
- Costs to any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None
- Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse

economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

- Cost impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

#### ASSESSMENT

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSONS

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816–7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at [Pat.Cassidy@post.ca.gov](mailto:Pat.Cassidy@post.ca.gov). The back-up contact person for this proposal is Ken Krueger, Senior Personnel Selection Consultant, in the Standards and Evaluation Services Bureau. Ken is available by telephone at 916.227.2810, or by email at [Ken.Krueger@post.ca.gov](mailto:Ken.Krueger@post.ca.gov).

## TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

### Board of Forestry and Fire Protection Title 14 of the California Code of Regulations

[Notice Published July 28, 2006]

#### NOTICE OF PROPOSED RULEMAKING

##### Road Management Plan, 2006

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations of Title 14 of the California Code of Regulations (14 CCR) described below after considering all comments, objections, and recommendations regarding the proposed action.

##### Amend:

- § 895 Abbreviations Applicable Throughout the Chapter
- §1037 THP Preharvest Inspection–Filing Return

##### Adopt Permanently:

- §1093.1 Road Management Plan
- §1093.2 Definitions
- §1093.3 Guidelines for Orderly Evaluation of Activities Proposed by an RMP.
- §1093.4 Content of Road Management Plan
- §1093.5 Limitation on Information Requirements
- §1093.6 RMP Effective Period
- §1093.7 Review of Road Management Plan–Notice of Filing
- §1093.8 Amendments
- §1093.9 Change of Ownership

#### PUBLIC HEARING

**The Board will hold a public hearing starting at 8:00 A.M., on Thursday, September 14, 2006, at the City of Redding City Hall Council Chamber, 777 Cypress Ave, Redding, California.** At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code section 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

#### WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period ends at 5:00 P.M., on Monday, September 11, 2006.** The Board will consider only written comments received at the Board office by that time (in addition to those comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506–14  
1416 9th Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address:

[board.public.comments@fire.ca.gov](mailto:board.public.comments@fire.ca.gov)

#### AUTHORITY AND REFERENCE

Public Resources Code (PRC) 4551 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret, or make specific sections 4551.5, 4562.5, and 4562.7 of the Public Resources Code. PRC sections 751, 4512, 4513, 21000, and 21001 are additional references. PRC 4513(b) states that one of the goals of the Z'berg–Nejedly Forest Practice Act is to consider watershed, wildlife, and fisheries. These regulatory changes will further that goal.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Board of Forestry and Fire Protection (Board) is proposing changes to the Forest Practice

Rules (FPRs) for development of a *Road Management Plan (RMP)* as a supplement to the Timber Harvest Plan (THP) process. The RMP provides a means for addressing long-term issues of sustained timber production and cumulative watershed effects from the transportation system on fish, wildlife, the beneficial uses of water, and watersheds on a landscape basis. A RMP specifies measures to be applied to a forest transportation system to protect, maintain, and enhance the beneficial uses of water and other environmental resources consistent with the objectives of the timberland owner. Among the general ways the RMP contributes to the beneficial uses of water is the following:

- The RMP provides a regulatory opportunity for the California Department of Forestry and Fire Protection (Department), other responsible agencies, and timberland owners to identify site-specific conditions that are impacting the beneficial uses of water, including anadromous salmonid protection, within the broader context of a logical hydrologic or ownership unit.
- The RMP promotes consultation between the responsible agencies and the timberland owner to address specific limiting factors for anadromous salmonids and other beneficial uses of water related to roads within an evaluation area.
- The RMP provides timberland owners the opportunity to establish a landscape level framework for addressing long-term issues of sustained timber production, and cumulative effects analysis that includes the impacts of transportation systems on fish, wildlife, the beneficial uses of water, and watersheds.

The proposed regulation includes specific contents for the RMP. These include a goals and objectives element (long term plans and desired future conditions), an evaluation element (history, existing conditions, and constraints), an operational element (construction and use), a verification element (tracking and monitoring), and an adaptive management element (goal comparison and revisions).

The RMP may be submitted by a timberland owner(s) for the Department Director's review and approval as supplemental information to support review of a THP or other Plan defined in the Forest Practice Rules.

In summary, the RMP provides the timberland owner and agencies a voluntary process to evaluate and reach solutions on limiting factors for anadromous fisheries and other beneficial uses of water. It provides detailed information to improve the regulatory review of harvest plans with roads and improves watershed level impact analysis.

## REGULATION PURPOSE AND NECESSITY

### **14 CCR § 895 Abbreviations Applicable Throughout the Chapter**

Abbreviations are being added to represent the Road Management Plan (RMP) to allow some brevity in the rules and for clarity. The proposed addition to the abbreviations is intended to ensure that the affected public, as well as the reviewing agencies understand what technical term the abbreviation represents. This is additionally intended to allow for brevity in the rule language and subsequently to increase the clarity of reading for the regulated public.

### **14 CCR § 1037. THP Preharvest Inspection–Filing Return.**

The purpose of this section of the proposed regulation is to state the process under which a THP submitted with an RMP shall have preliminary review for initial accuracy and filing. The subsection establishes a 20 day period for director review for preliminary accuracy checks and filing for formal review, because the RMP is expected to add additional preliminary review time.

### **14 CCR § 1093.1 Road Management Plan.**

The purpose of this section is to state the legislative intent and authorization for the BOF to create a RMP

### **14 CCR § 1093.2. Definitions.**

The purpose of this section of the proposed regulation is to define several terms used in the RMP that are not already included in the definitions sections of the FPRs.

### **14 CCR § 1093.3. Guidelines for Orderly Evaluation of Activities Proposed by an RMP.**

The Board establishes broad guidelines to be included in the RMP in this section and defines the goals and objectives to be achieved in the development of the RMP. This section also requires the RMP to be prepared by a Registered Professional Forester (RPF) and other licensed professionals as needed.

### **14 CCR § 1093.04 Content of Road Management Plan**

## SPECIFIC PURPOSE OF THE REGULATION

The Board provides that if a person chooses to submit an RMP, it shall contain a goals and objectives, evaluation, operational, verification and adaptive management elements, along with other basic disclosure information such as name, address and legal locations [subsections (a) and (b)].

### **14 CCR § 1093.5 Limitation on Information Requirements**

The purpose of this section of the proposed regulation is to limit the amount of information required in a RMP when there are ownerships other than the RMP submitter's involved in the plan.



**14 CCR § 1093.6 RMP Effective Period**

The purpose of this section of the proposed regulation is to state a time limit for the implementation of a RMP. An RMP is limited to the time period associated with the THP to which it supplements.

**14 CCR § 1093.7 Review of Road Management Plan—Notice of Filing**

The purpose of this section is to state the Director shall review, approve or disapprove all submitted RMPs as part of the THP process to which the RMP supplements.

**14 CCR § 1093.8 Amendments**

The purpose of this section is to state the process under which amendments to the RMP will be considered.

**14 CCR § 1093.10 Change in Ownership**

**SPECIFIC PURPOSE OF THE REGULATION**

The purpose of this section is to state the process when there is a change in ownership to lands submitted under an RMP. Such a change in ownership shall be in accordance with 14 CCR 1042, which includes notification to the Director by the seller of the change in ownership and notification to the purchaser by the seller of stocking responsibility requirements.

**DISCLOSURES REGARDING  
THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None are known.
- Costs or savings to any State agency: None are known.
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None are known.
- Other non-discretionary cost or savings imposed upon local agencies: None are known.
- Cost or savings in federal funding to the State: None are known.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The rule proposal may affect businesses and small business related to the timber industry by increasing the cost for timber harvesting. These potential extra costs are associated with planning, operations, and monitoring, and may include but

are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, and additional cost of professional consultations. There may also be additional cost associated with additional inspections.

The preparation and use of an RMP with a THP is not required but is an opportunity provided to THP submitters. As such, it is the responsibility of the timberland owner to determine if the economic balance is in favor of proceeding under existing operational and planning requirements or to design site related actions specific to the owner's property.

Given this use of the regulation at the discretion of the individual or business, the Board staff does not anticipate that any increased costs will result in a significant, statewide adverse economic impact directly affecting business, nor has it determined that it will affect the ability of California businesses to compete with businesses in other states.

- Potential cost impact on private persons or directly affected businesses: As indicated above, the rule proposal will affect businesses and large and small landowners with an interest in the timber products industry by increasing the cost for timber harvesting. These extra costs are associated with planning, operations, and monitoring, and may include but are not limited to: additional planning, construction and maintenance costs for roads and watercourse crossings, and additional cost of professional consultations
  - Significant effect on housing costs: None are known.
  - Adoption of these regulations will not create or eliminate jobs within California.
- Effect on small businesses: Given the use of this regulation is at the discretion of a small business, the Board staff does not anticipate that any increased costs will result in a significant adverse effect on small businesses.
- Adoption of these regulations will not: (1) create new businesses or eliminate existing businesses within California; or (2) affect the expansion of businesses currently doing business within California.

The proposed rules do not conflict with, or duplicate Federal regulations.

**BUSINESS REPORTING REQUIREMENT**

The regulation does not require a report, which shall apply to businesses.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, Chief Environmental Protection and Regulation, Department of Forestry and Fire Protection, at the above address and phone number (916) 653-5602.

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using the following styles is also available from the contact person named in this notice:

- 1) language existing before 7/28/06 is shown in **PLAINTEXT**,
- 2) language being proposed as either an amendment or new section is **DOUBLE-SPACED AND SINGLE UNDERLINED**.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office

at the above address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) Requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## TITLE 15. CORRECTIONS STANDARDS AUTHORITY

### NOTICE OF PROPOSED AMENDMENT TO TITLE 15, MINIMUM STANDARDS FOR JUVENILE FACILITIES, CALIFORNIA CODE OF REGULATIONS, BY THE STATE CORRECTIONS STANDARDS AUTHORITY

Pursuant to Welfare and Institutions Code Sections 210 and 885, the State Corrections Standards Authority (CSA) hereby gives notice of the proposed regulatory action(s) described in this public notice. It is the intent of the CSA to amend and adopt the regulations contained in Title 15, Division 1, Subchapter 5, California Code of Regulations (known as the Minimum Standards for Juvenile Facilities), after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The CSA will hold the following public hearings:

**August 23, 2006**

**10:00 am**

Orange County Probation Department  
Training Room #2  
1001 South Grand Avenue  
Santa Ana, CA 92705

**September 25, 2006**

**10:00 am**

Corrections Standards Authority  
660 Conference Room  
660 Bercut Drive  
Sacramento CA 95814

Both locations are wheelchair accessible. At the hearings, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The CSA requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the CSA. The written comment period closes at **5:00 pm on September 25, 2006**. The CSA will consider only comments received at CSA offices by that time. Submit comments to:

Gary Wion, Field Representative  
600 Bercut Drive  
Sacramento CA 95814  
Phone: (916) 324-1641  
[gary.wion@cdcr.ca.gov](mailto:gary.wion@cdcr.ca.gov)  
Fax: (916) 327-3317

AUTHORITY AND REFERENCE

Welfare and Institutions Code Sections 210 and 885 authorizes the CSA to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 210, and 885 of the Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**Summary of Existing Laws**

Welfare and Institutions Code Sections 210 and 885 authorizes the CSA to establish standards for local juvenile detention facilities.

**Summary of Existing Regulations**

Existing standards that prescribe requirements for local juvenile detention facilities are promulgated by the Corrections Standards Authority. These regulations are contained in Title 15 — Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 5 of the California Code of Regulations (CCR).

**Summary of Effect**

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 5 CCR adopting new and revised definitions to add clarity to the regulations; change the name “Board of Corrections” to “Corrections Standards Authority;” clarify the intent of staffing regulations; add language requiring a statement of non-discrimination in facility policy and procedure manuals; align minimum standards for fire and life safety with germane Health and Safety Code statutes; add language requiring the facility administrator, mental health administrator and health administrator to cooperatively develop policy and procedures relative to the death of a minor; add a requirement that facility administrators develop policy and procedures for detaining juveniles within the juvenile hall; add information to be required in the facility orientation process; clarify and strengthen the requirements for facility use of force policy and procedures; delete language that duplicates state strip search statute; ensure that minors are able to submit grievances confidentially; adds requirements for facility administrators to develop policy and procedures regarding the use of force to collect DNA samples; clarify annual education requirements and align minimum standards with germane Educational Code statutes; increase the total number of hours of visitation for each minor; add language allowing minors cost-free telephone access to legal representation; require appropriate gender specific social awareness programs; prohibit group punishment; address the issue of confidentiality when discussing a minor’s health and mental health concerns; clarify that an initial mental health evaluation may be offered at a juvenile facility prior to transfer; clarify that either a licensed health care or non-licensed, trained personnel may deliver medications; clarify that psychotropic medications should not be used for coercion, discipline, convenience or retaliation; require facilities to incorporate prevention of, and response to, mental health crisis situations and suicidal behavior into policy and procedures; update dietary references in the minimum diet regulation; re-

place the term “therapeutic diet” with “medical diet”; clarify the requirement for stain free undergarments; and require that covering blankets are laundered weekly, rather than monthly. The effects of the proposed changes are further described below.

### **Comparable Federal Statute or Regulations**

There are no comparable federal regulations or statutes.

### **Policy Statement Overview**

The broad objective of the proposed action is to maintain regulations for local juvenile detention facilities in conformance with sound correctional practices and to ensure the safe and secure detention of minors.

**Section 1300, Severability.** This regulation specifies the conditions under which requirements of regulations may be severed. The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1302, Definitions.** This regulation defines terms used throughout these regulations. To provide clarity and consistency, 14 regulations have been modified, ten have been deleted and four have been added.

**Section 1303, Pilot Projects.** This regulation outlines the procedures to apply for a pilot project. The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

**Section 1304, Alternate Means of Compliance.** This regulation outlines the procedures to apply for an alternate means of compliance. The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

**Section 1311, Emergency Suspension of Standards or Requirements.** This regulation outlines the procedures to apply for an emergency suspension of standards. The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1312, Juvenile Criminal History Information.** This regulation outlines the juvenile criminal history information. The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1314, Appeal.** This regulation outlines the process for jurisdictions to appeal CSA application of standards. The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

**Section 1320, Appointment and Qualifications.** This regulation outlines the appointments and qualifi-

cation requirements for staff. The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

**Section 1321, Staffing.** This regulation requires facilities to be appropriately staffed. The purpose of these revisions is to clarify the intent of the regulation. Additionally, the word “unit” has been added after the word “living” and the word “all” has been removed from before the word “operations” to ensure consistency throughout the regulations. These revisions should not have an operational impact for those facilities that are in compliance.

**Section 1323, Fire and Life Safety.** This regulation outlines the fire and life safety requirements for juvenile facilities. The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1324, Policy and Procedures Manual.** This regulation requires each facility to develop, publish, and implement a manual of written policies. This revision requires that all facility administrators shall include a statement of non-discrimination in the facility policy and procedures manual.

Revisions also require facility administrators to include storage and maintenance requirements of chemical agents, if used, in the facility policy and procedures manual. This requirement may prompt development of a log in/out system and schedule of stock rotation, if not currently in policy.

The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1325, Fire Safety Plan.** This regulation requires each facility to have a fire safety plan. The revision aligns the regulation with Health and Safety Code Section 13146.1(a) and (b) fire inspection requirements.

**Section 1340, Reporting of Legal Actions.** This regulation outlines the requirement for reporting of legal actions to the Corrections Standards Authority. The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1341, Death and Serious Illness or Injury of a Minor While Detained.** This regulation requires facilities to have a policy and procedure pertaining to death and serious illness or injury of a minor while detained and also requires certain notifications in the event of a death or serious illness or injury of a minor. The revisions will require the facility administrator, health administrator and the mental health administrator to cooperatively develop written policies and procedures.



The revisions also reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1342, Population Accounting.** This regulation outlines the population accounting requirements. The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

**Section 1343, Juvenile Facility Capacity.** This regulation outlines the juvenile facility capacity establishment and requirements for reporting crowding to the Corrections Standards Authority.

The revisions reflect legislative action, replacing the Board of Corrections/Board with Corrections Standards Authority/CSA. There is no operational impact.

**Section 1350, Admittance Procedures.** The current regulation requires each facility to have admittance procedures. The proposed revision would require juvenile hall administrators to establish written criteria for detaining youth. This change would ensure clarity between the procedures for admittance versus detention in a hall. The change may require a change in operation, if policies and procedures are not currently in place.

**Section 1353, Orientation.** The current regulation requires each facility to provide orientation services. The revision adds information to be included in the orientation process. The orientation process may need to be updated in those facilities that do not already include this additional information.

**Section 1357, Use of Force.** The current regulation requires each facility to have a policy and procedure on the use of force. The proposed changes provide clarification of the amount of force to be used, adds follow up procedures for health staff, provides specific items to be covered by training, and requires an administrative review into uses of force.

**Section 1360, Searches.** This regulation requires that each facility administrator develop policy and procedures relative to strip searches. The proposed changes delete the duplication of statute and allow the facility administrators to develop search policy relative to searching minors who are returning from activities outside the living unit.

**Section 1361, Grievance Procedure.** This regulation requires each facility to have a grievance procedure. The revision would require facilities to revise procedures to create an avenue for confidential submission of a grievance.

**Section 1363, Use of Reasonable Force to Collect DNA Specimens, Samples, Impressions.** This is a new regulation. There is no current regulation regarding the use of force in the collection of DNA specimens in juvenile facilities. Pursuant to statute, the CSA was required to develop such a regulation. The impact would be minor for most facilities, as most facilities al-

ready have CSA submittal procedures in place and already have policies for the collection of DNA specimens.

**Section 1370, Education Program.** This regulation requires each facility to have an educational program that meets the requirements of the State Educational Code. The proposed revisions clarify the annual education review requirements for the superintendent of schools and require consistency with the State Education Code.

**Section 1374, Visiting.** This regulation outlines the requirements for visitation. This revision would increase the total number of hours that a minor be given opportunity for visitation from one hour to two hours per week.

**Section 1375, Correspondence.** This regulation outlines correspondence requirements. The revisions reflect legislative action, replacing the Board of Corrections with Corrections Standards Authority. There is no operational impact.

**Section 1377, Access to Legal Services.** This regulation requires each facility to ensure that minors have access to legal services. The revision would require facilities to allow cost-free telephone access to legal representation as appropriate. Some facilities may be required to adjust procedures to allow such access.

**Section 1378, Social Awareness Program.** This regulation requires facilities to provide social awareness programs. The proposed change ensures that appropriate programs are gender specific.

**Section 1390, Discipline.** This regulation requires facilities to have policies regarding discipline. The proposed changes would prohibit group punishment.

**Section 1407, Confidentiality.** The current regulation addresses the need for probation, medical and mental health professionals to share health information for the well being of the minor, but is silent regarding a minor's right to discuss medical and mental health concerns in a confidential manner. This revision would address this issue and remind probation and health care professionals of their responsibility to afford privacy during health care encounters. The proposed language will add clarifying language, and will not affect facility operations.

**Section 1437, Mental Health Services and Transfer to a Treatment Facility.** The current regulation requires the health administrator/responsible physician, in cooperation with the mental health director, to establish policies and procedures to provide mental health services. In addition, it mirrors statutory language requiring that a mentally disordered person that appears to be a danger to themselves or others, or to be gravely disabled, is to be transferred for further evaluation to a designated Lanterman-Petris-Short facility. The proposed amendment reiterates that an initial evaluation

may occur at the juvenile facility prior to a decision to transfer to a designated treatment facility for further evaluation. The proposed change will not affect facility operations.

**Section 1438, Pharmaceutical Management.** This regulation requires policies and procedures, space and accessories for the secure storage, controlled administration, and disposal of all legally obtained drugs. In subsection (b)(7), the term “health care personnel” was added after “Licensed” to make it clear that either appropriately *licensed* health care personnel or trained non-licensed personnel may deliver medication acting on the order of a prescriber. The proposed language will not affect facility operations.

**Section 1439, Psychotropic Medications.** This regulation requires policies and procedures addressing the use of psychotropic medications. In addition, it references the Welfare and Institutions Code, Section 5150 noting that a mentally disordered person who appears to be a danger to themselves or others, or to be gravely disabled, may be transferred for further evaluation to a designated Lanterman–Petris–Short facility. Subsection (d) was amended to clarify that, as with all medications, the administration of psychotropic medications should be guided by appropriate clinical judgment, and not be used as a means of coercion, discipline, convenience or retaliation. The proposed language will not affect facility operations.

**Section 1450, Suicide Prevention Program.** Current regulation requires the health administrator, in cooperation with the mental health director and the facility administrator, to develop a written suicide prevention plan, with policy and procedures to train staff to identify minors who present a suicide risk, appropriately monitor their condition, and provide the necessary treatment and follow-up. The proposed changes will add clarifying language which will require facilities to incorporate prevention of, and response to, mental health crisis situations. These revisions will also require that staff training include emergency response protocols. Other grammatical changes were made to enhance clarity.

**Section 1461, Minimum Diet.** This regulation outlines the minimum diet requirement for minors in juvenile facilities, based on recognized state and national standards. The current regulations cite outdated nutritional references; the proposed revisions cite updated references.

**Section 1462, Therapeutic Diets.** This regulation outlines the requirements for special medically prescribed diets. To provide greater clarity, the title of this regulation has been changed to “Medical” Diets. The word “therapeutic” has been changed to “medical” to reflect that the diet has been prescribed by medical staff.

The proposed revision will not impact facility operations.

**Section 1480, Standard Facility Clothing Issue.** This regulation requires that facilities provide clean, reasonability fitted, durable, easily laundered clothing and footwear that are in good repair. Additionally, the facility is required to provide undergarments that are freshly laundered and substantially free of stains, including shorts and tee shirts for males, and bra and panties for females. Interpretation in the field as to what was “substantially stain free” varied significantly between counties. The proposed revision is intended to afford greater clarity and consistency in facilities. The proposed change will not affect facility operations.

**Section 1501, Bedding and Linen Exchange.** This regulation requires policies and procedures for the scheduled exchange of laundered bedding and linen for minors in custody. The recommended modification changes the requirement that the covering blanket be cleaned or laundered least every three months to once a month (this parallels the requirement in the Minimum Standards for Local Detention Facilities). Statewide, facilities are phasing out wool blankets, which require less frequent laundering, in favor of blankets of cotton or synthetic fiber for two reasons: 1) cotton or synthetic blankets are easier to clean and 2) many minors have an allergic reaction to wool. This change will have a very minor effect on facility operations because sheets, mattress covers and pillowcases already need to be laundered each week.

## DISCLOSURE REGARDING THE PROPOSED ACTION

The CSA has made the following initial determinations:

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None

Other nondiscretionary costs or savings imposed on local agencies: None

Costs or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The CSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California

Significant effect on housing costs: None.

*Small Business Determination:*

The CSA has determined that the proposed regulations will have no affect on small businesses. These proposed regulations affect the operations and programs for local juvenile detention facilities.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the CSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The CSA invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearings or during the written comment period.

### CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Gary Wion, Field Representative  
600 Bercut Drive  
Sacramento, CA 95814  
Phone: (916) 324-1641  
[gary.wion@cdcr.ca.gov](mailto:gary.wion@cdcr.ca.gov)  
Fax: (916) 327-3317

Or

Rebecca Craig, Field Representative  
600 Bercut Drive  
Sacramento, CA. 95814  
Phone: (916) 324-2600  
[rebecca.craig@cdcr.ca.gov](mailto:rebecca.craig@cdcr.ca.gov)  
Fax: (916) 327-3317

Questions on the substance of the proposed regulations may be directed to Mr. Wion or Ms. Craig.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other informa-

tion upon which this rulemaking is based to Mr. Wion at the above contact information.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Initial Statement of Reasons and text of the proposed regulation, as well as the rulemaking file, which includes all the information on which this proposal is based, is available for viewing at the CSA's office at the above address.

### AVAILABILITY OF MODIFIED TEXT

If the CSA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the CSA adopts the regulations as revised.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the CSA website at [www.csa.ca.gov](http://www.csa.ca.gov). Those persons who do not have access to the Internet may submit a written request to Allison Ganter at the above address.

### AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice Of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at [www.csa.ca.gov](http://www.csa.ca.gov). Those persons who do not have access to the Internet may submit a written request to Gary Wion at the above address.

## TITLE 24. BUILDING STANDARDS COMMISSION

### NOTICE OF PROPOSED CHANGES TO BUILDING STANDARDS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

### REGARDING THE CALIFORNIA BUILDING STANDARDS CODE CALIFORNIA CODE OF REGULATIONS, TITLE 24

**Notice is hereby given** that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2006 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), and Part 12 (California Referenced Standards Code).

The building standards being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal are for incorporation into CCR, Title 24, Parts 1, 2, 3, 4, 5, 9 and 12.

This notice concerns Parts 3, 4, 5, and 10 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

Appendix A	California Building Standards Commission (CBSC)
Appendix B	Department of Housing and Community Development (HCD)
Appendix C	Office of the State Fire Marshal (SFM)

#### WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from July 28, 2006 until 5:00 p.m. on September 11, 2006. Comments may be made using the form on CBSC's web site at [www.bsc.ca.gov/](http://www.bsc.ca.gov/) and either mailed or faxed to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

#### **Public Hearing Request**

Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15

days prior to the close of the written comment period, that a public hearing be held.

#### **Post-Hearing Modifications to the Text of the Regulations**

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

#### AUTHORITY AND REFERENCE

##### **California Building Standards Commission**

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18928, 18928.1, 18934.5, and 18938.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: H&SC Section 18934.5 authorizes CBSC to adopt building standards for state-owned buildings, where no state agency has that authority. This includes buildings constructed by the University of California, and buildings constructed by the California State University. Furthermore, H&SC Section 18928 requires CBSC to propose the adoption of the most recently published model codes within one year of their publication.

##### **Department of Housing and Community Development**

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 17040, 17921, 17922, 18300, 18630, 18640 and 19990, and GC Section 12955.1. HCD is proposing this regulatory action based on H&SC Sections 17040, 17921, 18300, 18670 and 19990.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: None

##### **Office of the State Fire Marshal**

CBSC proposes to adopt these building standards under the authority granted by H&SC Section 18949.2 and 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions



of H&SC Section 13143(a) and 18928(a), SFM is proposing this regulatory action pursuant to H&SC Sections 17921, 18897.3, 13108(a), 13211, 13113, 13113.5, 13114(a), 13132.7, 13133, 13135, 13143, 13143.1(a), 13143.6(a), 13143.9(a).

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: SFM has determined that there are no other matters prescribed by statute applicable to this agency or to any specific regulation or class of regulation as previously amended and or adopted by the SFM.

## INFORMATIVE DIGEST

### **Summary of existing laws and regulations**

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission between June 30 and July 13, 2006 at 1625 North Market Blvd, Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

### **Effect of this rulemaking**

This rulemaking proposes to:

1. Adopt by reference the 2005 National Electrical Code and, amend, repeal, approve, codify and publish building regulations contained in CCR,

Title 24, Part 3 for CBSC, HCD, SFM. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

2. Adopt by reference the 2006 Uniform Mechanical Code and, amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 4 for CBSC and SFM. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
3. Adopt by reference the 2006 Uniform Plumbing Code and amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 5 for SFM. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)
4. Adopt by reference Appendix Chapter 1 of the 2006 International Existing Building Code and amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 10 for CBSC and HCD. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

## FISCAL IMPACT

### **Estimate of Cost or Savings**

See appendices.

### **Cost Impact on Representative Private Persons or Businesses**

See appendices.

### **Initial Determination of Significant Effect on Housing Costs**

See appendices.

### **Mandate on Local Agencies or School Districts**

See appendices.

## ECONOMIC IMPACT

### **Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

See appendices.

### **Assessment of The Effect of Reputation Upon Jobs and Business Expansion, Elimination or Creation**

See appendices.

## FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

See assessment for SFM in Appendix C for specific details on the effect of the proposal.

## ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## AVAILABILITY OF RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at [www.bsc.ca.gov/](http://www.bsc.ca.gov/). Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

## CONTACT INFORMATION FOR QUESTIONS

### **CBSC Contact Person for Procedural and Administrative Questions**

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison, Deputy Director  
[Tom.Morrison@dgs.ca.gov](mailto:Tom.Morrison@dgs.ca.gov) (916) 263-0916  
 (916) 263-0959 FAX

Dave Walls, Executive Director  
[Dave.Walls@dgs.ca.gov](mailto:Dave.Walls@dgs.ca.gov) (916) 263-0916  
 (916) 263-0959 FAX

### **Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards**

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman Jane Taylor	(916) 263-5888 (916) 263-0807 (916) 263-0959 <a href="mailto:Michael.Nearman@dgs.ca.gov">Michael.Nearman@dgs.ca.gov</a> <a href="mailto:Jane.Taylor@dgs.ca.gov">Jane.Taylor@dgs.ca.gov</a>
HCD	Doug Hensel Doug Walls	(916) 445-9471 (916) 445-9471 (916) 327-4712 FAX <a href="mailto:dwalls@hcd.ca.gov">dwalls@hcd.ca.gov</a> <a href="mailto:dhensel@hcd.ca.gov">dhensel@hcd.ca.gov</a>
SFM	Kevin Reinertson	(916) 445-8200 (916) 445-8459 FAX <a href="mailto:Kevin.Reinertson@fire.ca.gov">Kevin.Reinertson@fire.ca.gov</a>

## APPENDIX A

### **CODE CHANGE SUBMITTAL PROPOSED BY THE CALIFORNIA BUILDINGS STANDARDS COMMISSION**

**BSC 03/06 Part 3**  
**BSC 04/06 Part 4**  
**BSC 02/06 Part 10**

## INFORMATIVE DIGEST

### **Summary of Existing Laws**

**Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee**

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

**Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee**

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

**Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication**

Sets forth that where no state agency has the authority to adopt building standards applicable to state build-

ings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

**HS&C section 18934.6. International Existing Building Code of the International Code Council; publication of standards; exception**

Mandates the commission adopt by reference the building standards of Appendix Chapter 1 of the International Existing Building Code for Building Conservation for publication in the California Building Standards Code.

**Summary of Existing Regulations**

**BSC 03/06 Part 3:** The existing 2004 California Electric Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2002 National Electric Code of the National Fire Protection Association (NFPA) without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

**BSC 04/06 Part 4:** The existing 2001 California Mechanical Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2000 Uniform Mechanical Code of the International Association of Plumbing and Mechanical Officials without amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

**BSC 02/06 Part 10:** The existing 2001 California Code for Building Conservation (CCBC) is a part of Title 24. It incorporates Appendix Chapter 1 of the 1997 Uniform Code for Building Conservation of the International Conference of Building Officials without amendments for existing buildings, except for detached dwellings of less than five dwelling units, having at least one unreinforced masonry (URM) bearing wall, pursuant to 1986 URM Building Law.

**Summary of Effect**

**BSC 03/06 Part 3:** This proposed action will make effective the 2005 NEC of NFPA with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of the California Electric Code (CEC). This proposed action by the California Building Standards Commission will also make the 2004 CEC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CEC.

**BSC 04/06 Part 4:** This proposed action will make effective the 2006 UMC of IAPMO with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of California Plumbing Code (CPC). This proposed action by the California Building Standards Commission will also make the 2001 CMC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of CMC.

**BSC 02/06 Part 10:** This proposed action will make effective Appendix Chapter A1 of the 2006 IEBC of the ICC to occupancies identified pursuant to Health and Safety Code 18934.6 and 18934.7, 180 days after the publication of the next triennial edition of the CCBC. This proposed action by the California Building Standards Commission will also make the 2001 CCBC inoperative for future alterations to existing URM buildings in Seismic Zone 4, upon the effective date of the next triennial edition of the CCBC.

FISCAL IMPACT

**ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
- D. Other non-discretionary cost or savings imposed on local agencies: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
- E. Cost or savings in federal funding to the state: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California as prescribed.

## **ECONOMIC IMPACT**

## **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

The CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

## **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- ☐ **The creation or elimination of jobs within the State of California.**  
These regulations will not effect the creation of or elimination of jobs within the State of California.
- ☐ **The creation of new businesses or the elimination of existing businesses within the State of California.**  
These regulations will not effect the creation of or the elimination of existing business within the State of California.
- ☐ **The expansion of businesses currently doing business with the State of California.**  
These regulations will not affect the expansion of businesses currently doing business within the State of California

## **APPENDIX B**

## **CODE CHANGE SUBMITTAL PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**HCD 01/06 Part 3**  
**HCD 05/06 Part 10**

## **INFORMATIVE DIGEST**

### **Summary of Existing Laws**

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Health and Safety Code Sections 18300, 18670, 18865 and 18873.3 requires HCD to adopt building standards for mobilehome parks and special occupancy parks.

### **Summary of Existing Regulations**

**HCD 01/06 Part 3:** Part 3 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2002 National Electrical Code (NEC) with California amendments, effective on August 1, 2005.

**HCD 05/06 Part 10:** The California Code for Building Conservation, Part 10 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 1997 Uniform Code of Building Conservation with California amendments, effective November 1, 2002. The purpose of this code is to encourage the use and re-use of existing buildings that adequately protect public health, safety and welfare.



Summary of Effect

**HCD 01/06 Part 3:** HCD proposes to adopt by reference the 2005 edition of the NEC, with California amendments, as indicated on the attached proposed matrix table, into Part 3, Title 24, CCR for the following programs:

(a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's accessibility requirements, except where the application is for public use only.

(b) Employee Housing Act: relative to the use of electrical equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.

(c) Mobilehome Parks and Special Occupancy Parks: relative to the use of electrical equipment and systems in or on any permanent buildings within the park in accordance with Health and Safety Code Sections 18300, 18670, 18865 and 18873.3.

(d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assembly in accordance with Health and Safety Code Section 19990.

These amendments provide consistency with model code format, state and federal law and unique California conditions. In addition, these amendments provide clarity and specificity and give direction for the code user.

**HCD 05/06 Part 10:** Since the Uniform Code of Building Conservation is no longer being printed and has been replaced by the International Existing Building Code (IEBC), HCD proposes to adopt by reference the 2006 edition of the International Existing Building Code (IEBC), with California amendments, as indicated on the attached proposed matrix table, into Part 10, Title 24, CCR for the following programs:

a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the application is for public use only.

b) Mobilehome Parks or Special Occupancy Parks: relative to any permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18620, 18640, 18865, 18865.3, 18873 and 18873.2.

c) Employee Housing Act: relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.

d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

These amendments: (1) bring forward previously adopted California amendments to ensure their continuation in the CEBC; (2) update statutory authority references; (3) direct users to the California Building Code.

FISCAL IMPACT

Estimate of Cost or Savings

A. Cost or Savings to any state agency: Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. This proposed rulemaking incorporates specific provisions into one location with the California Building Standards Code to meet these requirements.

Health and Safety Code Section 17922 requires HCD to adopt by reference the most recent edition of the International Existing Building Code (IEBC.)

This action will result in a minimal cost to HCD which will be absorbed in the current budget.

B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

D. Other nondiscretionary cost or savings imposed on local agencies: NONE.

E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

Cost Impact on Representative Private Person or Business

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the pro-

posed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Electrical Code [and] California Existing Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

#### **Mandate on Local Agencies or School Districts**

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

### ECONOMIC IMPACT

#### **Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Electrical Code [and] California Existing Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

#### **Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation**

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

**These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.**

- The creation of new businesses or the elimination of existing businesses within the State of California.

**These regulations will not affect the creation or the elimination of existing business within the State of California.**

- The expansion of businesses currently doing business within the State of California.

**These regulations will not affect the expansion of businesses currently doing business within the State of California.**

(See *Economic Impact of the Proposed California Electrical Code [and] California Existing Building Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

### APPENDIX C

#### **CODE CHANGE SUBMITTAL PROPOSED BY THE OFFICE OF THE STATE FIRE MARSHAL**

**SFM 01/06 Part 3**

**SFM 02/06 Part 4**

**SFM 03/06 Part 5**

#### INFORMATIVE DIGEST (SFM)

#### **Summary of Existing Laws**

**Health and Safety Code Section 13108(a)** The State Fire Marshal shall prepare and adopt building standards related to the means of egress, the installation of fire alarms and fire extinguishing systems in any state-owned building or in any state-occupied building.

**Health and Safety Code Section 13113** A automatic sprinkler system shall be installed in all 24-hour institutional type occupancies, and homes for the care of aged or senile persons.

**Health and Safety Code Section 13113.5** The State Fire Marshal Shall adopt regulations requiring the installation of automatic smoke detectors in all facilities which provide 24-hour per day care, which house six or fewer persons, and which do not have automatic sprinkler systems.

**Health and Safety Code Section 13114(a)** The State Fire Marshal shall adopt regulations and standards to control the quality and installation of fire alarm systems and fire alarm devices marketed, distributed, offered for sale, or sold in this state, and that no person shall market, distribute, offer for sale, or sell any fire alarm system or fire alarm device in this state unless the system or device has been approved and listed by the State Fire Marshal.

**Health and Safety Code Section 13132** Every person, firm, or corporation maintaining or operating any facility for the care of the mentally handicapped shall file a statement with the fire authority having jurisdiction within five days of the admission or readmission of a patient stating that such patient is an ambulatory or a nonambulatory person and enumerating the reasons for such classification. Such a statement shall also be filed for each existing patient within 30 days of the effective date of this section.

Any statement required to be filed pursuant to this section shall be certified as to its correctness by the person attending such patient.

It shall be unlawful for any person, firm, or corporation required to file a statement pursuant to this section to include false statements therein. Any such act shall be in violation of this section and subject to the provisions of Section 13112.

**Health and Safety Code Section 13132.7** Mandates fire retardant roof coverings in fire hazard severity zones.

**Health and Safety Code Section 13133(a)** The State Fire Marshal shall develop and adopt regulations establishing new occupancy classifications and specific fire safety standards appropriate for residential facilities, and residential care facilities for the elderly. These fire safety standards shall apply uniformly throughout the state.

**Health and Safety Code Section 13135** The State Fire Marshal shall adopt regulations for alcoholism or drug abuse recovery or treatment facilities based on whether the residents or patients of the facilities are nonambulatory.

**Health and Safety Code Section 13143** grants the State Fire Marshal authority to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution not otherwise excluded from the coverage of this subdivision, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

**Health and Safety Code Section 13143.1(a)** The State Fire Marshal shall prepare, adopt, and submit building standards for establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any motion picture or television production facility.

**Health and Safety Code Section 13143.6(a)** The State Fire Marshal shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire in any building or structure used intended for use as a home or institution for the housing of any person of any age for protective social care and supervision services by any governmental agency, certified family care homes, out-of-home placement facilities, and halfway houses.

**Health and Safety Code Section 13143.9(a)** The State Fire Marshal shall prepare, adopt, and submit building standards and other fire and life safety regulations establishing minimum requirements for the storage, handling, and use of hazardous materials.

**Health and Safety Code Section 13211** The State Fire Marshal shall prepare and adopt building standards relating to fire and panic safety in high-rise structures.

**Health and Safety Code Section 17921(b)** The State Fire Marshal shall adopt, amend, or repeal and submit building standards for approval pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5, and the State Fire Marshal shall adopt, amend, and repeal other rules and regulations for fire and panic safety in all hotels, motels, lodging houses, apartment houses and dwellings, buildings, and structures accessory thereto. These building standards and regulations shall be enforced pursuant to Sections 13145 and 13146; however, this section is not intended to require an inspection by a local fire agency of each single-family dwelling prior to its occupancy.

**Health and Safety Code Section 18928(a)** requires each state agency adopting or proposing adoption of a model code, national standards, or specification shall reference the most recent edition of applicable model codes, national standards, or specifications.

**Health and Safety Code Section 18897.3** Except as provided in Section 18930, the State Fire Marshal shall adopt minimum fire safety regulations for organized camps in accordance with the provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The State Fire Marshal shall adopt and submit building standards for approval pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of this division for the purposes described in this section.

**Health and Safety Code Section 18949.2(b)** The State Fire Marshal shall remain the state agency responsible for developing building standards to implement the state's fire and life safety policy. In its role as the fire and life safety standard developing agency, the State Fire Marshal shall continue its existing activities and forums designed to facilitate compromise and consensus among the various individuals and groups involved in development of the state's codes related to fire and life safety.

(c) The state's fire and life safety building standards, as developed by the State Fire Marshal and as adopted by the commission, shall continue to be based on the state's fire and life safety policy goals and mandates as they existed prior to the enactment of this chapter and as they are amended.

### **Summary of Existing Regulations**

**SFM 01/06 Part 3:** The SFM currently adopts by reference the California Code of Regulations, Title 24, Part 3, 2004 California Electrical Code with SFM amendments relating to regulations that establish minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined



in each of the Health and Safety Code references shown above.

**SFM 02/06 Part 4:** The State Fire Marshal currently adopts and enforces the 2004 California Mechanical Code as part of Title 24, CCR, Part 4; with SFM amendments relating to fire and panic safety in SFM regulated occupancies.

**SFM 03/06 Part 5:** The State Fire Marshal currently adopts and enforces the 2001 California Plumbing Code as part of Title 24, CCR, Part 5; with SFM amendments relating to fire and panic safety in SFM regulated occupancies.

#### **Summary of Effect**

**SFM 01/06 Part 3:** This proposed action would adopt the 2005 National Electrical Code (NEC) by reference with SFM amendments relating to fire and life safety requirements. This action is consistent with current statute.

The SFM is proposing to bring forward to the 2005 NEC, various SFM amendments found in the 2004 CEC. The SFM's express terms include the adoption matrix tables for the 2007 CEC. These tables indicate the following:

- Existing amendments that are being carried forward from the 2004 CEC into the 2007 CEC
- Renumbering of the existing 2005 CEC that is moved into the 2007 CEC due to relocation of that particular section
- Adopt various chapters and or sections new to the 2005 NEC

**SFM 02/06 Part 4:** This proposed action would adopt the 2006 Uniform Mechanical Code (UMC) by reference with SFM amendments relating to fire and life safety requirements. This action is consistent with current statute.

The SFM is proposing to bring forward to the 2006 UMC, various SFM amendments found in the 2004 CMC. The SFM's express terms include the adoption matrix tables for the 2007 CMC. These tables indicate the following:

- Existing amendments that are being carried forward from the 2004 CMC into the 2007 CMC
- Renumbering of the existing 2004 CMC that is moved into the 2007 UMC due to IAPMO's relocation of that particular chapter and or section
- Repeal of existing 2004 CMC because the 2006 UMC addresses the topic of the SFM's existing amendment
- Adopt various chapters and or sections new to the 2006 UMC

**SFM 03/06 Part 5:** This proposed action would adopt the 2006 Uniform Plumbing Code (UPC) by reference with SFM amendments relating to fire and life

safety requirements. This action is consistent with current statute.

The SFM is proposing to bring forward to the 2006 UPC, various SFM amendments found in the 2001 CPC. The SFM's express terms include the adoption matrix tables for the 2007 CPC. These tables indicate the following:

- Existing amendments that are being carried forward from the 2001 CPC into the 2007 CPC
- Renumbering of the existing 2001 CPC that is moved into the 2006 UPC due to IAPMO's relocation of that particular chapter and or section
- Repeal of existing 2001 CPC because the 2006 UPC addresses the topic of the SFM's existing amendment
- Adopt various chapters and or sections new to the 2006 UPC

#### **FISCAL IMPACT**

##### **Estimate of Cost or Savings**

A. Cost or Savings to any state agency: **NO**

B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**

C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**

D. Other nondiscretionary cost or savings imposed on local agencies: **NO**

E. Cost or savings in federal funding to the state: **NO**

##### **Cost Impact on Representative Private Persons or Businesses**

The SFM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

##### **Initial Determination of Significant Effect on Housing Costs**

The SFM has made an initial determination that this proposal would not have a significant effect on housing costs.

##### **Mandate on Local Agencies or School Districts**

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

#### **ECONOMIC IMPACT**

##### **Initial Determination of Significant Statewide Adverse Economic Impact on Businesses**

The SFM has made an initial determination that this proposed regulatory action would not have a significant statewide adverse economic impact directly affecting



businesses, including the ability of California businesses to compete with business in other states.

**Assessment of The Effect of Reputation Upon Jobs and Business Expansion, Elimination or Creation**

The SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

**TITLE MPP. DEPARTMENT OF  
SOCIAL SERVICES**

ORD #0704-03

**NOTICE OF PROPOSED CHANGES IN  
REGULATIONS OF THE CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM# CalWORKs Domestic Partners Rights and Responsibilities

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearings to be held May 17, 2006 as follows:

September 13, 2006  
Office Building #9  
744 P St. Auditorium  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 13, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments

during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

**CONTACT**

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 7-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

**CHAPTERS**

Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards (EAS); Division 40, Reception and Application, Section 40-118 Who Must Be Included on the Statement of Facts (Filing Unit); Division 43, Responsible Relatives, Section 43-103 (Definitions for Purposes of Support Responsibility); Division 44, Standards of Assistance, Section 44-209 (Identification of Persons for Claiming of Financial Participation); Division 80, Implementation Schedule, Section 80-301 (Definitions); and Division 82, Conditions of Eligibility, Cooperation and Sanctions, Section 82-808 (Caretaker Relative Requirements).

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The enactment of Assembly Bill (AB) 205 (Chapter 421, Statutes of 2003) added Family Code Sections 297.5 and 299.2 and amended Family Code Section 298.5, giving California registered domestic partners the same rights protections, benefits, responsibilities, obligations and duties as spouses with certain exceptions. Currently, the CalWORKs Manual of Policy and Procedures regulations treat a domestic partners as an adult male/female having no relationship to their part-

ner or the child of their partner. As a result of the changes in the Family Code, registered domestic partners now have the same rights and obligations with respect to a partner's child as would apply to a stepparent or former stepparent of a child. The proposed regulations will amend CalWORKs regulations to give California registered domestic partners these rights and obligations within the CalWORKs program.

#### **COST ESTIMATE**

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

#### **LOCAL MANDATE STATEMENT**

These regulations do impose a mandate on local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 175000) of Division 4 of the Government Code or Article XIII B, Section 6 of the California Constitution, because implementation of the regulations will result in no costs or savings.

#### **STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **SMALL BUSINESS IMPACT STATEMENT**

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

#### **ASSESSMENT OF JOB CREATION OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California

nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

#### **STATEMENT OF ALTERNATIVES CONSIDERED**

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### **AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553 and 10554. Subject regulations implement and make specific Sections 297.5(a)–(d) and 298.5 of the Family Code.

#### **CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION**

Contact Person: Sonya Mangabay (916) 657-2586  
Backup: Alison Garcia (916) 657-2586

### **GENERAL PUBLIC INTEREST**

#### **DEPARTMENT OF FISH AND GAME**

Department of Fish and Game – Public  
Interest Notice  
For Publication July 28, 2006  
CESA CONSISTENCY DETERMINATION FOR  
Humboldt Road Private Properties  
Operation Unit Project  
Butte County

The Department of Fish and Game ("Department") received a notice on July 17, 2006 that the City of Chico proposes to rely on consultations between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of removing con-

taminant materials from 2.25 acres of undeveloped annual grassland and vernal pool habitat. The project is located in the City of Chico, Butte County.

The U.S. Fish and Wildlife Service, on July 11, 2006, issued to the U.S. Army Corps of Engineers ("Corps"), a no jeopardy federal biological opinion (1-1-06-F-0157) which considers the Federally and State endangered Butte County meadowfoam (*Limnanthes floccosa* ssp. *californica*), and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, the City of Chico is requesting a determination that federal biological opinion 1-1-06-F-0157 is consistent with CESA. If the Department determines that the federal biological opinion is consistent with CESA, the City of Chico will not be required to obtain an incidental take permit for the proposed project.

## DEPARTMENT OF FISH AND GAME

### INCONSISTENCY DETERMINATION

Fish and Game Code section 2080.1

CESA No. 2080-2006-013-03

**PROJECT:** Ten Mile River Bridge Replacement

**LOCATION:** Mendocino County

**NOTIFIER:** Mr. Steven Croteau, California  
Department of Transportation

### BACKGROUND

The proposed action described in the National Marine Fisheries Service's (NOAA Fisheries) Biological Opinion No. 151422-SWR-2004-SR-8263 ("Biological Opinion") is the replacement of the Ten Mile River bridge on State Highway 1, Mendocino County (the "Project"). The Project could result in direct and indirect incidental take of California Central Coast coho salmon (*Oncorhynchus kisutch*) ("CCC coho salmon"). The CCC coho salmon Evolutionarily Significant Unit ("ESU") consists of populations from San Francisco north to Punta Gorda, California. The CCC coho salmon ESU is listed as endangered under both the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) ("ESA") and the California Endangered Species Act (Fish and Game Code § 2050 et seq.) ("CESA").

Because of the Project's potential for take of listed CCC coho salmon, the Federal Highway Administration consulted with the NOAA Fisheries, as required by ESA. On June 9, 2006, NOAA Fisheries issued the Biological Opinion, describing Project activities and setting forth measures to mitigate impacts to CCC coho salmon. On June 14, 2006, the Department of Fish and Game (Department) received a notice from Caltrans

pursuant to Fish and Game Code Section 2080.1, requesting a determination that the Federal Biological Opinion is consistent with CESA.

### DETERMINATION

After review and consideration of the above-referenced federal biological opinion, the Department has determined that it is **not consistent** with CESA because the Project and mitigation measures do not meet the requirements set forth in Fish and Game Code section 2081(b) and (c) for authorization of incidental take of species listed under CESA. This determination is based on the following considerations:

1. The Biological Opinion references three potential fish passage enhancement projects but does not clearly connect the projects, or other measures, to mitigation. The Biological Opinion lacks a mechanism for Department review and approval of the selected mitigation project or mitigation implementation, and does not describe the design, or anticipated function of the mitigation project. The Biological Opinion does not provide an analysis of anticipated benefits to the species from the identified mitigation and how those benefits would offset Project impacts.

2. The Biological Opinion concludes that pile-driving and sound pressure waves from Project activities will result primarily in non-lethal take of listed salmonids, despite incomplete data and uncertainty regarding the effects of pile-driving on salmonids. The Department does not concur that there is sufficient information to conclude the activities will not cause lethal take of listed salmonids. Project activities have the potential to cause take but that the best available science is not sufficient to estimate the actual level. The Department therefore believes that Project mitigation must be tied to an effective monitoring program and adaptive management strategy to ensure that impacts on the species are fully mitigated.

3. The proposed plan for monitoring the minimization measures and the effectiveness of those measures is not sufficient to protect salmonids. A more rigorous monitoring program including both hydroacoustic monitoring and adequate biological monitoring is necessary to minimize impacts to CCC coho salmon and to provide information to ensure Project impacts are fully mitigated. In addition, the Biological Opinion does not require that the hydroacoustic and biological monitoring plans be submitted to the Department for review or concurrence.

4. The Biological Opinion does not require that Caltrans provide sufficient funding assurances for minimization and mitigation measures and for monitoring compliance with, and effectiveness of, those measures.

For these reasons, the Department has determined there is substantial evidence that Biological Opinion

No. 151422–SWR–2004–SR–8263 is not consistent with CESA because it does not ensure that the impacts to coho salmon will be minimized and fully mitigated. Pursuant to section 2080.1(c) of the Fish and Game Code, with this determination a section 2081(b) incidental take permit must be obtained for any incidental take of CCC coho salmon as a result of the activities described in the federal biological opinion.

## **DEPARTMENT OF HEALTH SERVICES**

### **NOTICE OF GENERAL PUBLIC INTEREST**

#### **THE DEPARTMENT OF HEALTH SERVICES INTENDS TO SUBMIT A STATE PLAN AMENDMENT TO CONTINUE MEDI–CAL LONG–TERM CARE REIMBURSEMENT RATES FOR SUBACUTE SERVICES IN DP/NFs**

The Department of Health Services (CDHS) is issuing this public notice to provide information regarding the setting of Medi–Cal reimbursement rates for subacute care services provided in distinct part nursing facilities (DP/NFs) for the rate year 2006–2007. CDHS intends to submit an amendment to California’s Medicaid State Plan, to continue the way Medi–Cal reimbursement rate changes for subacute services are currently handled, effective August 1, 2006.

#### **REVISION TO SUBACUTE REIMBURSEMENT RATE METHODOLOGY**

Currently, the DP/NF subacute reimbursement rate methodology in the State Plan requires CDHS to pay providers the lesser of their projected costs or the cost of their prospective class median. As a result of a decrease in their projected costs, a number of DP/NFs have projected rate decreases for rate year 2006–2007. To prevent rate decreases for facilities from occurring, CDHS proposes to continue the reimbursement rate from rate year 2005–2006 for subacute services provided in DP/NFs.

This rate is contingent on approval of a State Plan Amendment by the federal Centers for Medicare & Medicaid Services.

#### **PUBLIC REVIEW**

Copies of the proposed changes are available for public review at local county welfare offices throughout the state. Any person may submit written comments to or request copies of the proposed changes from:

Karen Hobson, Chief  
Long–Term Care Reimbursement Unit  
Department of Health Services  
P.O. Box 942732  
Mail Stop 4600  
Sacramento, CA 95814.

## **DEPARTMENT OF HEALTH SERVICES**

**TITLE:** PREVENTIVE HEALTH AND HEALTH  
SERVICES BLOCK GRANT (STATE  
PLAN) FOR FEDERAL FISCAL YEAR  
(FFY) 2006

**ACTION:** NOTICE OF HEARINGS FOR  
PROPOSED FUNDINGS

### **SUBJECT**

The Centers for Disease Control and Prevention has made funds available to the California Department of Health Services (DHS) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State’s recommendations for the use of these funds during State Fiscal Year 2005–2006 (FFY 2006).

### **PUBLIC HEARING PROCESS**

Notice is hereby given that DHS will hold a public hearing commencing at 9:00 a.m. on Monday, September 11, 2006 in Room 74.369 at 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, DHS, 1616 Capitol Avenue, MS 7209, P.O. Box 997413, Sacramento, Ca., 95899 must receive any written statements or arguments by 5:00 p.m. September 11, 2006, which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

### **CONTACT**

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein, Chief, Prevention 2010 Section, Chronic Disease Control Branch, DHS, at (916) 552–9960. In any such inquiries, please identify the action by using the Department Control letters “PHHSBG.”



AVAILABILITY OF  
INFORMATION FOR REVIEW

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., July 28, 2006 through September 10, 2006.

**TITLE 14. FISH AND GAME  
COMMISSION**

**Notice of Date Change for Public Hearing  
On Proposed Regulatory Action**

In a notice of proposed regulatory action published in the California Regulatory Notice Register 2006, No. 27-Z, on July 7, 2006, the Fish and Game Commission proposed to amend sections 163 and 164, Title 14, CCR, regarding Commercial Herring Regulations. The date of the hearing to consider adoption relevant to this action has been changed from August 25, 2006 to October 6, 2006, at 8:30 a.m. to be held at the Hubbs–Sea World Research Institute, Shedd Auditorium, 2595 Ingraham Street, San Diego. Public testimony will be received at the Commission’s August 4, August 25, and October 6, 2006 meetings. It is requested, but not required, that written comments be submitted on or before September 29, 2006, at the Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090 or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on October 4, 2006. All comments must be received no later than October 6, 2006, at the hearing in San Diego, CA. All written comments must include the true name and mailing address of the commenter. For additional information, please refer to the notice published on July 7, 2006.

**INDEX OF PRECEDENTIAL  
DECISIONS**

**EDUCATION AUDIT APPEALS PANEL**

Notice of Availability of Precedential Decision Index  
(Government Code Section 11425.60)

*Notice is hereby given* that the Education Audit Appeals Panel (EAAP) maintains an index of the determinations made in the only decision EAAP has so far designated as precedential. The index is available on the

Internet at <http://www.eaap.ca.gov>, following the text of the “Appeals” section.

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

**CALIFORNIA GAMBLING CONTROL  
COMMISSION**  
General Provisions

This rulemaking action amends Title 4, sections 12358 and 12359 of the CCR to reflect revisions to forms required to request additional gaming tables on a temporary or permanent basis. The regulations are being amended to reflect the updated revision date of the forms. The forms are being amended to reflect the physical address of the Commission because the Commission is canceling its post office box. The Commission is also changing the internal management box for tracking different aspects of the applications. Both of the changes to the forms are nonsubstantive.

Title 4  
California Code of Regulations  
AMEND; 12358, 12359  
Filed 07/19/06  
Effective 08/18/06  
Agency Contact:  
Heather Cline–Hoganson (916) 274–6328

**CALIFORNIA INTEGRATED WASTE  
MANAGEMENT BOARD**

Revision to Waste Tire Hauler Regulations (Comprehensive Trip Log)

This is the certification of compliance for the permanent adoption of regulations to simplify the process and forms used to report transactions involving waste and used tires; to allow case–by–case substitutions for the forms in use or electronic reporting of the information required, to define terms relating to the required reports, and to make related changes.

**Title 14**

California Code of Regulations

ADOPT: 18459.1.2, Forms CIWMB 203, 204

AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11

Filed 07/19/06

Effective 07/19/06

Agency Contact: Wendy Breckon (916) 341-6068

**DENTAL BOARD OF CALIFORNIA****Application for Licensure by WREB Candidates**

This is a readopt of emergency regulations (OAL file no. 06-0301-02E) that established new provisions for licensure for the practice of dentistry in California. Previously, the only way that a dental licensure candidate could qualify to practice dentistry in California was to pass a clinical examination developed and administered by the Board. The major component of this new law is that, effective January 1, 2005, dental licensure candidates can also qualify to practice dentistry in California if they pass the Western Regional Examining Board (WREB) exam.

**Title 16**

California Code of Regulations

ADOPT: 1034.1

AMEND: 1021, 1028, 1034

Filed 07/12/06

Effective 07/12/06

Agency Contact: Donna Kantner (916) 263-2300

**DEPARTMENT OF CORRECTIONS AND REHABILITATION****Conflict of Interest Code**

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only,

**Title 15**

California Code of Regulations

AMEND: 7001 REPEAL: 2005, 3416, 4020

Filed 07/12/06

Effective 08/11/06

Agency Contact: Randy Marshall (916) 341-7328

**DEPARTMENT OF FOOD AND AGRICULTURE****Gypsy Moth Eradication Area**

This emergency regulatory action adds Los Angeles County to the eradication area for the Gypsy Moth (*Limntria dispar*). Marin, Nevada, Riverside, San Diego and Santa Cruz counties are already established as eradication areas for this purpose. The regulation also estab-

lishes the means and methods that may be used to eradicate and control this pest within this area.

**Title 3**

California Code of Regulations

AMEND: 3591.6(a)

Filed 07/17/06

Effective 07/17/06

Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF INSURANCE****Changes to the Rules Governing LAD Servicing Carriers**

Section 8 of the California Automobile Assigned Risk Plan (CAARP)\* Plan of Operations, which is incorporated by reference in section 2498.4.9 of title 10 of the CCR, is titled "Determination and Fulfillment of Private Passenger Nonfleet Liability Quotas." This regulatory action amends paragraph B of section 8 which sets forth the procedures and requirements governing Limited Assignment Distribution (LAD) arrangements.

**Title 10**

California Code of Regulations

AMEND: 2498.4.9

Filed 07/12/06

Effective 08/11/06

Agency Contact: Mike Riordan (415) 538-4226

**DEPARTMENT OF INSURANCE****Earthquake Policies, Coverage Types and Limits**

Permits the California Earthquake Authority to offer optional higher coverage limits for personal property, loss of use, and building code upgrade.

**Title 10**

California Code of Regulations

AMEND: 2697.6

Filed 07/12/06

Effective 07/12/06

Agency Contact:

Lisbeth Landsman-Smith (916) 492-3561

**DEPARTMENT OF INSURANCE****Prescribed Method of Filing Notices of Agency Appointment/Termination**

This regulatory action mandates the use of specific technologies for the transmission of Notices of Appointments/Terminations of Agents to the Department of Insurance for those companies appointing/terminating 25 or more agents annually.

Title 10  
California Code of Regulations  
ADOPT: 2190.20, 2190.22, 2190.24  
Filed 07/12/06  
Effective 08/11/06  
Agency Contact: Natasha R. Ray (916) 492-3559

#### DEPARTMENT OF INSURANCE

##### CA Automobile Assigned Risk Plan and Low Cost Automobile Ins. Program

These changes without regulatory effect implement the requirement that all forms of insurance regulated by the Department of Insurance provide registered domestic partner coverage equal to that provided to a spouse of an insured or policyholder. Additional changes were made implementing recent statutory amendments to the California Low-Cost Automobile Insurance Program.

Title 10  
California Code of Regulations  
AMEND: 2498.5, 2498.6  
Filed 07/18/06  
Effective 07/18/06  
Agency Contact:  
Mary Ann Shulman (415) 538-4133

#### DEPARTMENT OF INSURANCE

##### Optional Automobile Insurance Rating Factors

This action amends regulations that specify the order in which attributes of consumers of private passenger automobile insurance must be evaluated and the weight that may be allocated on the basis of such factors in the determination of an insurer's class plan, and consequently in the determination of rates for individual policy holders.

Title 10  
California Code of Regulations  
AMEND: 2632.5, 2632.8, 2632.11  
Filed 07/14/06  
Effective 08/13/06  
Agency Contact: Bryant W. Henley (415) 538-4111

#### DEPARTMENT OF JUSTICE

##### General Provisions

This section 100 change corrects an erroneous cross-reference by re-ordering Title 11 section 999.2.

Title 11  
California Code of Regulations  
AMEND: 999.2  
Filed 07/12/06  
Effective 07/12/06  
Agency Contact: Jeffery M. Ogata (916) 327-6820

#### DEPARTMENT OF PESTICIDE REGULATION

##### Data Cost-Sharing

This readoption of emergency regulations implements and makes specific amendments to Section 12811.5 of the Food and Agriculture Code. Title 3, CCR Section 6310 was adopted to implement dispute resolution proceedings for data cost-sharing agreements between companies submitting data for registration of pesticides and section 6170 was amended to reflect the adoption of Section 6310. The Department has progressed in formally adopting the regulations, however, it has not completed the rulemaking process. The Notice of Proposed Action was published on May 5, 2006, public comment closed on June 19, 2006.

Title 3  
California Code of Regulations  
ADOPT: 6310 AMEND: 6170  
Filed 07/19/06  
Effective 07/19/06  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

#### DEPARTMENT OF PESTICIDE REGULATION

##### Dormant Insecticide Contamination Prevention

Department of Pesticide Regulation proposes regulations controlling the application of dormant insecticides to reduce surface water contamination in California watersheds and rivers and streams caused by spray application of these insecticides.

Title 3  
California Code of Regulations  
ADOPT: 6960 AMEND: 6000  
Filed 07/18/06  
Effective 08/17/06  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

#### DEPARTMENT OF TRANSPORTATION

##### Outdoor Advertising Noncommercial Messages

This action clarifies that noncommercial advertising can be placed on any legally-placed outdoor advertising display.

Title 4  
California Code of Regulations  
AMEND: 2240(e)  
Filed 07/17/06  
Effective 07/17/06  
Agency Contact: James Arbis (916) 654-6413

#### DIVISION OF WORKERS COMPENSATION

##### Workers' Compensation—Return to Work Regulations

This regulatory action is to implement and make specific some of the statutory enactments of SB 899. This

bill included provisions in Labor Code §139.48 for the Return to Work Program. It regards the impact of an employer offering modified or alternative work to an employee whose disability has been determined to have become permanent and stable. The Return to Work Program provisions became effective for injuries on or after July 1, 2004. These regulations are being promulgated to provide additional guidance to employers, injured employees and insurers in implementing the statutory scheme.

Title 8  
California Code of Regulations  
ADOPT: 10004, 10005 AMEND: 10133.53,  
10133.55  
Filed 07/19/06  
Effective 08/18/06  
Agency Contact: Destie Overpeck (415) 703-4659

**FISH AND GAME COMMISSION**  
**Nontoxic Shot Requirement for Waterfowl**

This action without regulatory effect conforms existing regulations concerning nontoxic shot requirements for waterfowl to recent changes in federal regulations.

Title 14  
California Code of Regulations  
AMEND: 507.1  
Filed 07/12/06  
Effective 08/11/06  
Agency Contact: Sherrie Koell (916) 653-4899

**OCCUPATIONAL SAFETY AND HEALTH**  
**STANDARDS BOARD**  
**Heat Illness Prevention**

Requires employers to provide shade and water to employees in order to avoid heat illness in outdoor places of employment. Requires employers and employees to have training in various aspects of heat injury prevention.

Title 8  
California Code of Regulations  
ADOPT: 3395  
Filed 07/13/06  
Effective 07/13/06  
Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH**  
**STANDARDS BOARD**  
**Employee access to equipment**

This action without regulatory effect adds an informative note regarding where the requirements for employee access to mobile equipment and machinery can be found within Title 8. The action also changes CAC to CCR and deletes a reference to Title 24.

Title 8  
California Code of Regulations  
AMEND: 3270  
Filed 07/18/06  
Effective 08/17/06  
Agency Contact: Marley Hart (916) 274-5721

**CCR CHANGES FILED**  
**WITH THE SECRETARY OF STATE**  
**WITHIN FEBRUARY 15, 2006 TO**  
**JULY 19, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

03/28/06 AMEND: 1395  
03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55

**Title 2**

07/06/06 AMEND: 575.1, 575.2  
06/20/06 AMEND: 18537  
06/08/06 AMEND: 18526  
05/26/06 ADOPT: 18438.5 AMEND: 18438.8  
05/25/06 AMEND: 18942  
05/24/06 ADOPT: Div. 8, Ch. 111, Sec. 59560  
05/24/06 AMEND: 433.1  
05/17/06 ADOPT: 22610.1, 22610.2, 22610.3,  
22610.4  
05/15/06 AMEND: 1859.2, 1859.40, 1859.51,  
1859.70, 1859.93.1, 1859.95, 1859.147,  
Form SAB 50-04  
05/08/06 AMEND: 18537.1  
04/24/06 AMEND: 20108.70, Division 7  
04/10/06 ADOPT: 20108, 20108.1, 20108.12,  
20108.15, 20108.18, 20108.20,  
20108.25, 20108.30, 20108.35,  
20108.36, 20108.37, 20108.38,  
20108.40, 20108.45, 20108.50,  
20108.51, 20108.55, 20108.60,  
20108.65, 20108.70, 20108.75,  
20108.80  
04/04/06 ADOPT: 18215.1 AMEND: 18225.4,  
18428  
03/14/06 ADOPT: 1859.70.3, 1859.71.5,  
1859.78.9, 1859.93.2, 1859.93.3  
AMEND: 1859.2, 1859.61, 1859.74,  
1859.77.1, 1859.79, 1859.79.2, 1859.83,  
1859.104, 1859.202, 1859.66



03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5,  
56.6, 56.7, 56.8  
02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4  
02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554,  
2555, 2556  
02/21/06 ADOPT: 18361.10  
02/21/06 ADOPT: 18371  
02/21/06 AMEND: 2320(a) (2)  
02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700

**Title 3**

07/19/06 ADOPT: 6310 AMEND: 6170  
07/18/06 ADOPT: 6960 AMEND: 6000  
07/17/06 AMEND: 3591.6(a)  
07/05/06 AMEND: 3591.6  
07/03/06 AMEND: 3589(a)  
06/28/06 AMEND: 3433(b)  
06/12/06 AMEND: 3433(b)  
05/23/06 ADOPT: 6580, 6582, 6584  
05/23/06 ADOPT: 3424  
05/19/06 AMEND: 3433(b)  
05/18/06 AMEND: 3591.12(a)  
05/18/06 ADOPT: 1472.7.2 AMEND: 1472,  
1472.4  
05/11/06 AMEND: 3591.19  
04/28/06 AMEND: 1380.19, 1420.10  
04/27/06 AMEND: 3406(b)  
04/13/06 AMEND: 1446.4, 1454.10, 1462.10  
04/11/06 AMEND: 3700(c)  
04/11/06 AMEND: 3700(c)  
04/10/06 AMEND: 3406(b)  
03/30/06 AMEND: 3406(b)  
03/28/06 AMEND: 3406(b)  
03/23/06 ADOPT: 6310 AMEND: 6170  
03/07/06 AMEND: 3700(c)  
03/01/06 AMEND: 3406(b)  
02/22/06 AMEND: 3406(b)  
02/21/06 AMEND: 3700(c)  
02/21/06 AMEND: 3433(b)  
02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND:  
3591.19(a)  
02/16/06 ADOPT: 3433

**Title 4**

07/19/06 AMEND: 12358, 12359  
07/17/06 AMEND: 2240(e)  
06/20/06 AMEND: 1472  
06/01/06 AMEND: 8070(d), 8071(a)(9), 8072,  
8073(c), 8074(b), 8076(c)(1)  
05/18/06 ADOPT: 12358  
05/05/06 AMEND: 150  
03/24/06 ADOPT: 10175, 10176, 10177, 10178,  
10179, 10180, 10181, 10182, 10183,

10184, 10185, 10186, 10187, 10188,  
10189, 10190, 10191  
03/23/06 ADOPT: 10302(bb), 10305(d), 10305(e),  
10315(d), 10315(j), 10320(b), 10322(e),  
10325(c), 10325(c)(3)(K), 10325(c)(6),  
10325(c)(8), 10325(c)(12), 10325(f)(7),  
10325(f)(10), 10325(g)(5)(B)(ii),  
10325(g)(5)(B)(iv), 10325(g)(5)(B)(v),  
10326(g)(6), 1036(g) (7)  
02/28/06 AMEND: 4143

**Title 5**

06/12/06 ADOPT: 19833.5, 19833.6 AMEND:  
19815, 19816, 19816.1, 19819, 19824,  
19828.1, 19831  
06/09/06 ADOPT: 19827 AMEND: 19812, 19813,  
19814, 19814.1, 19815, 19816, 19817,  
19817.1, 19826, 19826.1, 19836, 19851,  
19853  
05/25/06 AMEND: 1074  
05/16/06 ADOPT: 51025.5  
05/15/06 ADOPT: 11987, 11987.1, 11987.2,  
11987.3, 11987.4, 11987.5, 11987.6,  
11987.7  
05/12/06 AMEND: 19819, 19851  
04/28/06 AMEND: 51026, 53206, 54024, 54100,  
54616, 54700, 54706, 55005, 55160,  
55300, 55316, 55316.5, 55320, 55321,  
55322, 55340, 55350, 55401, 55403,  
55404, 55512, 55522, 55530, 55605,  
55675, 55753.5, 55753.7, 56000, 56050,  
56062, 56200, 56201, 56202, 56204  
04/04/06 AMEND: 42920  
04/04/06 AMEND: 11704  
03/16/06 ADOPT: 15566, 15567, 15568, 15569  
03/16/06 ADOPT: 1207.1, 1207.2 AMEND:  
1204.5  
03/15/06 AMEND: 51000, 51022, 51023, 51100,  
51102, 53407, 53410.1, 53413, 53501,  
54010, 54041, 54050, 54200, 54220,  
54300, 54600, 54604, 54608, 54610,  
54612, 54626, 54630, 55002, 55231,  
55402, 55405, 55534, 55600, 55602,  
55630, 55720, 55729, 55756.5, 55761,  
5580  
02/17/06 ADOPT: 19827 AMEND: 19814,  
19814.1, 19851, 19853

**Title 8**

07/19/06 ADOPT: 10004, 10005 AMEND:  
10133.53, 10133.55  
07/18/06 AMEND: 3270  
07/13/06 ADOPT: 3395  
06/30/06 AMEND: 9793, 9795

06/26/06 ADOPT: 6858 AMEND: 6505, 6533, 6551, 6552, 6755, 6845, 6657 REPEAL: 6846  
 06/06/06 AMEND: 5155  
 05/25/06 AMEND: 4650  
 04/19/06 AMEND: 3395  
 04/17/06 AMEND: 2320.4(a)(3)  
 04/11/06 ADOPT: 32613 AMEND: 32130, 32135, 32140, 32155, 32190, 32325, 32350, 32400, 32450, 32500, 32602, 32604, 32605, 32607, 32609, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32647, 32648, 32649, 32650, 32680, 32690, 32781, 32980, 33020, 40130  
 04/04/06 ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280  
 04/03/06 AMEND: 1720  
 03/22/06 AMEND: 9701, 9702, 9703  
 03/15/06 AMEND: 1710(f)  
 03/14/06 ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784  
 02/28/06 AMEND: 1644  
 02/27/06 AMEND: 3637, 3638, 3639, 3640, 3642, 3646  
 02/22/06 ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12

**Title 9**

06/07/06 ADOPT: 10056, 10057  
 05/24/05 ADOPT: 3400  
 05/19/06 ADOPT: 1810.100, 1810.110, 1810.200, 1810.201, 1810.202, 1810.203, 1810.203.5, 1810.204, 1810.205, 1810.205.1, 1810.205.2, 1810.206, 1810.207, 1810.208, 1810.209, 1810.210, 1810.211, 1810.212, 1810.213, 1810.214, 1810.214.1, 1810.215, 1810.216  
 04/19/06 AMEND: 10000, 10010, 10015, 10020, 10025, 10030, 10035, 10040, 10045, 10050, 10055, 10060, 10065, 10070, 10080, 10085, 10090, 10095, 10105, 10110, 10115, 10120, 10125, 10130, 10140, 10145, 10150, 10155, 10160, 10165, 10170, 10175, 10185, 10190, 10195

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 07/14/06 AMEND: 2632.5, 2632.8, 2632.11  
 07/12/06 AMEND: 2697.6

07/12/06 AMEND: 2498.4.9  
 07/12/06 ADOPT: 2190.20, 2190.22, 2190.24  
 07/10/06 ADOPT: 2509.21  
 06/30/06 ADOPT: 2194.9, 2194.10, 2194.11, 2194.12, 2194.13, 2194.14, 2194.15, 2194.16, 2194.17  
 06/19/06 AMEND: 2318.6, 2353.1, 2354  
 06/05/06 AMEND: 3528  
 06/01/06 ADOPT: 2695.1(g), 2695.14 AMEND: 2695.1, 2695.2, 2695.7, 2695.8, 2695.9, 2695.10, 2695.12  
 05/25/06 ADOPT: 2188.23, 2188.24, 2188.83 AMEND: 2186.1, 2188.2, 2188.6, 2188.8  
 05/18/06 AMEND: 2498.6  
 04/28/06 ADOPT: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24  
 04/20/06 AMEND: 2498.5  
 04/18/06 AMEND: 2498.4.9  
 04/18/06 AMEND: 2498.4.9  
 03/30/06 AMEND: 2698.52(c), 2698.53(b), 2698.56(c)  
 03/24/06 REPEAL: 2546, 2546.1, 2546.2, 2546.3, 2546.4, 2546.5, 2546.6, 2546.7, 2546.8  
 03/24/06 ADOPT: 2498.6  
 03/09/06 AMEND: 2697.6  
 02/28/06 ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822  
 02/27/06 AMEND: 2632.5 (c) (1) (A)

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 06/28/06 ADOPT: 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4030, 4031, 4032, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4045, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066,  
 06/28/06 ADOPT: 4400(ll), 4400(mm), 4401.1, 4406 AMEND: 4440.3 REPEAL: 4400(l), 4406  
 05/23/06 AMEND: 1002(c)  
 05/22/06 AMEND: 968.44, 968.46  
 05/22/06 REPEAL: 2033  
 05/12/06 AMEND: 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910

03/15/06	AMEND: 351, 357, 371, 376, 377, 378, 380	04/11/06	AMEND: 18454, 18456, 18456.3, CIWMB form 60
02/22/06	AMEND: 51.19	04/10/06	AMEND: 630
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04/10/06	AMEND: 453.1	04/03/06	ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72
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06/30/06	ADOPT: 85.00, 85.02, 85.04, 85.06, 85.08	03/27/06	AMEND: 163.1
06/29/06	AMEND: 345.16	03/22/06	AMEND: 119, Appendix A
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06/15/06	AMEND: 1239	03/20/06	ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95
05/22/06	ADOPT: 86500, 86501	03/02/06	ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71
05/22/06	AMEND: 425.01	03/01/06	AMEND: 851.23
05/18/06	ADOPT: 550.20 AMEND: 551.11, 551.12	02/23/06	AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850
05/02/06	ADOPT: 345.07 AMEND: 345.06	<b>Title 15</b>	
04/04/06	AMEND: 423.00	07/12/06	AMEND: 7001 REPEAL: 2005, 3416, 4020
03/24/06	AMEND: 156.00	06/27/06	AMEND: 3341.5
03/24/06	AMEND: 590	06/09/06	ADOPT: 3040.2 AMEND: 3000, 3040, 3041, 3043, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3, 3075
02/22/06	AMEND: 345.39, 345.45, 345.56, 345.78	06/06/06	AMEND: 3173.1
02/22/06	ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72	05/25/06	AMEND: 3040.1, 3341.5, 3375, 3375.3, 3378
02/15/06	ADOPT: 1971.1	05/22/06	ADOPT: 3043.7 AMEND: 3043.1, 3327, 3328
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07/19/06	ADOPT: 18459.1.2, Forms CIWMB 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1, 11	05/16/06	AMEND: 3999.1.10, 3999.1.8
07/12/06	AMEND: 507.1	05/01/06	AMEND: 2510, 2511, 2512, 2513
07/11/06	AMEND: 15251	04/24/06	ADOPT: 3054.1, 3054.2, 3054.3, 3054.4, 3054.5, 3054.6 AMEND: 3050, 3051, 3052, 3053, 3054
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06/30/06	AMEND: 11900	<b>Title 16</b>	
06/30/06	AMEND: 360, 361, 362, 363, 364	07/12/06	ADOPT: 1034.1 AMEND: 1021, 1028, 1034
06/29/06	AMEND: 851.23	07/03/06	AMEND: 1399.152, 1399.156.4
06/23/06	AMEND: 1220	06/26/06	ADOPT: 1304.5
06/16/06	AMEND: 895, 895.1, 1038, 1038(f)		
06/08/06	AMEND: 746		
06/05/06	AMEND: 791.7, Form FG OSPR-1972		
05/26/06	AMEND: 670.2		
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 03/21/06 AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998  
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07/05/06 AMEND: 95000, 95001, 95002, 95003, 95004, 95005, 95006, 95007  
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 04/10/06 ADOPT: 30346.11, 30346.12 AMEND: 30345.2, 30346.6, 30348.3

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 05/19/06 AMEND: 12805  
 05/18/06 ADOPT: 64400.38, 64400.40, 64400.45, 64400.47, 64400.67, 64401.65, 64401.82, 64401.92, 64468.5, 64530, 64531, 64533, 64533.5, 64534, 64534.2, 64534.4, 64534.6, 64534.8, 64535, 64535.2, 64535.4, 64536, 64536.2, 64536.4, 64536.6, 64537, 64537.2, 64537.4  
 05/17/06 ADOPT: 4429 AMEND: 4409, 4400(hh) REPEAL: 4400(ii)  
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 03/23/06 AMEND: 926-3, 926-4, 926-5  
 03/20/06 AMEND: 66264.147, 66264.151, 66265.147  
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